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438

STATUTES 109

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

FIFTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA.

Being the First Session of the Eighth Legislature of Ontario,

BEGUN AND HOLDEN AT TORONTO, ON THE FOURTEENTH DAY OF FEBRUARY IN THE YEAR
OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND NINETY-FIVE.

1895

HIS HONOUR
GEORGE AIREY KIRKPATRICK,
LIEUTENANT-GOVERNOR.



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TORONTO:
PRINTED BY L. K. CAMERON,
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,
1895.



PRINTED AND BOUND BY
WARWICK BROS. & RUTTER,
TORONTO.

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IMPERIAL ORDER IN COUNCIL

MAKING THE COLONIAL PROBATES ACT,
1892, APPLICABLE TO THE PROVINCE
OF ONTARIO.

DESPATCHES, ORDER-IN-COUNCIL AND RULES AND ORDERS.

Lord Ripon to Lord Stanley of Preston :

Canada General,
15th March, 1893.

DOWNING STREET, 25th March, 1893.

My Lord,—With reference to my despatch, General of the 13th of March, I have the honour to transmit to you, for publication in the Colony under your Government, an Order of H. M. in-Council applying the provisions of *The Colonial Probates Act, 1892*, to the Province of Ontario.

I also enclose copies of the Rules and Orders which have been made for the guidance of the Registrar of the Principal Probate Registry, Somerset House, in carrying out the provisions of the Act, and I have to request that notices corresponding to those mentioned in Rules 101 and 102 may be sent to that Registry.

Rules regulating the procedure under the Act in the Scotch and Irish Courts have been prepared, but copies have not yet been received in this Department.

I have, etc.,

(Signed) RIPON.

Governor-General,
etc. etc., etc.

AT THE COURT AT WINDSOR,

The 15th day of March, 1893.

Present :

The Queen's Most Excellent Majesty,
Lord President,
Lord Chamberlain,
Mr. Bryce.

Whereas by the first section of *The Colonial Probates Act, 1892*, it is enacted as follows :

" Her Majesty the Queen may, on being satisfied that the Legislature of any British Possession has made adequate provision for the recognition in that Possession of Probates and Letters of Administration granted by the Courts of the United Kingdom, direct by Order-in-Council that this Act shall, subject to any exceptions and modifications, specified in the Order, apply to that possession, and thereupon, while the Order is in force, this Act shall apply accordingly."

And whereas Her Majesty is satisfied that the Legislatures of the British Possessions hereinafter mentioned have made adequate provision for the recognition in those Possessions of Probates and Letters of Administration granted by the Courts of the United Kingdom.

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the above-recited Act in Her Majesty vested, is pleased, by and with the advice of Her Most Honourable Privy Council, to order, and it is hereby ordered, as follows :

The Colonial Probates Act, 1892, shall apply to the British Possessions hereinunder mentioned :

Hong Kong,

Western Australia, and

The Province of Ontario in the Dominion of Canada.

And the Most Honourable the Marquis of Ripon, Her Majesty's Principal Secretary of State for the Colonies is to give the necessary directions herein accordingly.

C. L. PEEL.

ADDITIONAL RULES AND ORDERS FOR THE REGISTRARS OF THE PRINCIPAL
PROBATE REGISTRY IN RESPECT OF NONCONTENTIOUS BUSINESS.

By virtue and in pursuance of the provisions of the Statutes 20 and 21 Vict. c. 77, 38 and 39 Vict. c. 77, and 55 Vict. c. 6, I, the Right Honourable Sir Francis Henry Jeune, Knight, President of the Probate, Divorce and Admiralty Division of the High Court of Justice with the concurrence of the Right Honourable Farrer Baron Herschell, Lord High Chancellor of Great Britain, and of the Right Honourable John Duke

Baron Coleridge, Lord Chief Justice of England, do make and issue the following additional Rules and Orders for the Registrars of the Principal Probate Registry in respect of non-contentious business.

Dated the 7th day of December, 1892.

(Signed)

F. H. JEUNE, P.

Approved :

(Signed)

HERSCHELL, C.
COLERIDGE. C. J.

Additional Rules and Orders for the Registrars of the Principal Probate Registry in non-contentious business for carrying out the provisions of *The Colonial Probates Act, 1892*.

92. Application to seal a Grant of Probate or Letters of Administration or copy thereof under *The Colonial Probates Act, 1892*, may be made in the Principal Probate Registry by the Executor or Administrator or the Attorney (lawfully authorized for the purpose) of such Executor or Administrator, either in person or through a Solicitor.

93. Such application must be accompanied by an Oath of the Executor, Administrator or Attorney in the form in the Appendix or as nearly thereto as the circumstances of the case will allow.

94. The Registrars are to be satisfied that notice of such application has been duly advertised. (Form of advertisement in Appendix.)

95. On application to seal Letters of Administration the Administrator or his Attorney shall give Bond (in the form set out in the Appendix) to cover the personal estate of the deceased within the jurisdiction of the Court. The same practice as to Sureties and Amount of Penalty in Bond is to be observed as on application for Letters of Administration.

96. Application by a Creditor under Section 2, Sub-Section 3 of *The Colonial Probates Act*, is to be made by Summons before one of the Registrars, supported by an Affidavit setting out particulars of the claim.

97. In every case, and especially when the domicile of the deceased at the time of death as sworn to in the Affidavit differs from that suggested by the description in the Grant, the Registrars may require further evidence as to Domicile.

98. If it should appear that the deceased was not at the time of death domiciled within the jurisdiction of the Court from which the Grant issued, the Seal is not to be affixed unless the Grant is such as would have been made by the High Court of Justice in England.

99. The Grant [or copy grant] to be sealed, and the copy to be deposited in the Registry must include copies of all testamentary papers admitted to Probate.

100. When application to seal a Probate or Letters of Administration is made after the lapse of three years from the death of the deceased the reason of the delay is to be certified to the Registrars. Should the certificate be unsatisfactory the Registrars are to require such proof of the alleged cause of delay as they may think fit.

Advertisement.

A. B., deceased.

Notice is hereby given that after the expiration of eight days application will be made to the Principal Probate Registry of the High Court of Justice for the Sealing of the Probate of the Will (or Letters of Administration of the personal estate) of A. B., late of _____, deceased, granted by the _____ Court at _____ on the _____ day of _____ 18 _____.

Solicitors for _____

(To be advertised once in the "Times" Newspaper unless otherwise directed by one of the Registrars.)

Administration Bond (with or without Will.)

Know all men by these Presents, that we, A. B. of _____, C. D., of _____, and E. F., of _____, are, jointly and severally bound unto G. H., the President of the Probate, Divorce and Admiralty Division of Her Majesty's High Court of Justice, in the Sum of _____ Pounds, of good and lawful Money of Great Britain, to be paid to the said G. H., or to the President of the said Division for the time being, for which payment well and truly to be made we bind ourselves and each of us, for the Whole, our Heirs, Executors and Administrators, firmly by these Presents.

Sealed with our Seals.

Dated the _____ day of _____, in the Year of our Lord One Thousand Eight Hundred and Ninety _____

The Condition of this Obligation is such, That if the above named A. B., the Administrator (with the Will dated the _____ day of _____, annexed) by authority of the _____ Court at _____, acting under Letters of Administration granted to _____, on the _____ day of _____, and now about to be sealed in England under *The Colonial Probates Act, 1892*, of the Personal Estate of K. L., late of _____, deceased, who died on the _____ day of _____, 18 _____, do, when lawfully called on in that behalf, make, or cause to be made, true and perfect Inventory of the Personal Estate of the said Deceased in England which has or shall come to _____ Hands, Possession or Knowledge, or into the Hands and Possession of any other Person for _____, and the same so made do exhibit, or cause to be exhibited, into the Principal Probate Registry of Her Majesty's High Court of Justice, whenever required by Law so to do, and the same Personal Estate do well and truly administer according to Law; And further do make, or cause to be made, a true and just account of _____ said Administration, whenever required by Law so to do. then this Obligation to be void and of none effect, or else to remain in full force and virtue.

Signed, Sealed and Delivered
by the within-named _____
in the presence of _____

A Commissioner for oaths.

Administration Bond (with or without Will) on application by Attorney.

Know all men by these Presents, that we, A. B., of
 , C. D., of , and E. F., of ,
 are jointly and severally bound unto G. H., the President
 of the Probate, Divorce and Admiralty Division of Her
 Majesty's High Court of Justice, in the Sum of
 Pounds, of good and lawful Money of Great Britain, to
 be paid to the said G. H., or to the President of the said
 Division for the time being, for which payment well and
 truly to be made we bind ourselves and each of us, for
 the Whole, our Heirs, Executors and Administrators,
 firmly by these Presents.
 Sealed with our Seals.

Dated the day of , in the Year of
 our Lord One Thousand Eight Hundred and Ninety

The Condition of this Obligation is such, that if K. L., of
 the Administrator (with the Will dated the day of
 annexed), by authority of the Court at , acting un-
 der Letters of Administration granted to on the
 day of , and now about to be sealed in England under *The*
Colonial Probates Act, 1892, of the personal Estate of M. N., late of
 , deceased, who died on the day of ,
 18 , do, when lawfully called in that behalf, make, or cause to be
 made, a true and perfect Inventory of the Personal Estate of the said De-
 ceased in England which has or shall come to Hands, Possession
 or Knowledge, or into the Hands and Possession of any other Person for
 , and the same so made do exhibit, or cause to be exhibited,
 into the Principal Probate Registry of Her Majesty's High Court of Jus-
 tice, whenever required by Law so to do, and the same Personal Estate
 do well and truly administer according to law; And further do make, or
 cause to be made, a true and just account of said Administra-
 tion, whenever required by Law so to do, then this obligation to be void
 and of none effect, or else to remain in full force and virtue.

Signed, Sealed and Delivered)
 by the within-named)

in the presence of)

A Commissioner for Oaths.



58 VICTORIA.

CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-five, and for other purposes therein mentioned.

[Assented to 16th April, 1895.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour, the Preamble.
Honourable George Airey Kirkpatrick, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and ninety-five ; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million five hundred and seventy-nine thousand and thirteen dollars and sixty-three cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand

\$3,579,013.63
granted out of
the Consoli-
dated Revenue
Fund for cer-
tain purposes.

eight

1 s.

eight hundred and ninety-five as set forth in schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand eight hundred and ninety-six as set forth in schedule B to this Act.

Accounts to be
laid before the
Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at its next sitting.

Unexpended
moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and ninety-five, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure
to be account-
ed for to Her
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-five and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto

Government House	\$1,950 00
Lieutenant-Governor's Office	3,980 00
Executive Council and Attorney-General's Office	20,452 50
Education Department	19,950 00
Crown Lands Department.....	58,550 00
Department of Public Works	22,150 00
Treasury Department	42,410 00
Provincial Board of Health	7,270 00

CIVIL

CIVIL GOVERNMENT.—*Continued.*

Secretary and Registrar's Department.....	\$19,750 00	
Inspection of Public Institutions	15,100 00	
Insurance Branch	6,500 00	
Department of Agriculture	17,650 00	
Immigration Branch	1,800 00	
Miscellaneous	9,650 00	
	<hr/>	\$247,162 50

LEGISLATION.

To defray expenses of Legislation.....	128,600 00
--	------------

ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature	\$66,478 00	
Surrogate Judges and Local Masters.....	23 190 00	
Miscellaneous Criminal and Civil Justice	327,649 00	
	<hr/>	417,317 00

EDUCATION.

To defray expenses of:—

Public and Separate Schools.....	\$242,495 44	
Schools in Unorganized Districts and Poor		
Schools	45,000 00	
Kindergarten Schools	3,000 00	
Night Schools	1,000 00	
Public School Leaving Examinations	3,500 00	
High Schools and Collegiate Institutes.....	100,000 00	
Model Schools.....	10,300 00	
Special grant to French Training School....	800 00	
do Public Schools in unorganized		
districts for training District Teachers..	1,200 00	
Teachers' Institutes	2,400 00	
Inspection of Schools.....	59,350 00	
Departmental Examinations.....	22,050 00	
Ontario School of Pedagogy (maintenance)..	7,000 00	
Normal and Model Schools, Toronto.....	24,454 00	
" " " Ottawa.....	22,260 00	
Library and Museum	5,300 00	
School of Practical Science.....	21,220 00	
Mechanics' Institutes, Art Schools, Literary and		
Scientific	55,950 00	
Miscellaneous	4,800 00	
Superannuated and Public and High School		
Teachers	61,300 00	
	<hr/>	693,379 44

PUBLIC

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto.....	\$ 97,323 00	
Asylum for the Insane, London.....	132,194 00	
Asylum for the Insane, Kingston	77,648 00	
Asylum for the Insane, Hamilton.....	113,043 00	
Asylum for the Insane, Mimico.....	71,308 00	
Asylum for Insane, Brockville	36,999 00	
Asylum for Idiots, Orillia	60,488 00	
Central Prison, Toronto	60,000 00	
Provincial Reformatory, Penetanguishene.....	34,730 00	
Institution for the Deaf and Dumb, Belleville..	44,471 00	
Institution for the Blind, Brantford.....	35,016 00	
Mercer Reformatory for Females	24,830 00	
		<hr/>
		\$788,050 00

IMMIGRATION.

To defray expenses of a grant in aid of Immigration.....	8,425 00
--	----------

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture.....	184,536 00
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HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities.....	190,416 57
--	------------

MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

Government House.....	\$ 7,500 00
Old Parliament Buildings.....	1,200 00
New Parliament and Departmental Buildings.	26,880 00
Attorney-General's Department	400 00
Crown Lands Department	600 00
Treasury Department	2,400 00
Provincial Secretary's Department	1,015 50
Department of Agriculture	650 00
Department of Public Works	200 00
New Parliament Buildings, exclusive of Departments.	2,000 00
Education Department (Normal School Building)	9,600 00
Normal School, Ottawa.....	4,150 00
School of Practical Science	3,000 00
Agricultural College.....	6,750 00
Osgoode Hall	8,840 00
Miscellaneous	3,320 00
	<hr/>

78,505 50
PUBLIC

PUBLIC BUILDINGS.

Asylum for the Insane, Toronto	\$10,525 00	
Mimico Cottages	10,875 00	
Asylum for the Insane, London	13,650 00	
Asylum for the Insane, Hamilton.....	15,750 00	
Asylum for the Insane, Kingston	8,275 00	
Asylum for the Insane, Brockville	79,125 00	
Asylum for Idiots, Orillia.....	5,550 00	
Reformatory, Penetanguishene.....	3,500 00	
Reformatory for Females, Toronto	3,550 00	
Central Prison, Toronto.....	24,800 00	
Deaf and Dumb Institute, Belleville.....	4,040 00	
Blind Institute, Brantford.....	2,450 00	
Agricultural College, Guelph	19,300 00	
Normal School and Education Depart't, Toronto	800 00	
Normal School, Ottawa.....	3,300 00	
School of Practical Science, Toronto	8,415 00	
Osgoode Hall, Toronto	1,800 00	
Government House, Toronto.....	1,100 00	
District of Algoma.....	3,900 00	
Thunder Bay District	1,400 00	
Rainy River District.....	400 00	
Muskoka District	2,300 00	
Parry Sound District.....	900 00	
Nipissing District	4,750 00	
Haliburton District	2,000 00	
Miscellaneous	15,370 00	
New Parliament Buildings	19,161 00	
		\$266,986 00

PUBLIC WORKS.

To defray expenses of Public Works	\$47,508 00
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COLONIZATION ROADS.

To defray expenses of Construction and Repairs	\$116,758 00
--	--------------

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands	\$117,259 00
--	--------------

REFUNDS.

Education	\$ 2,000 00	
Crown Lands.....	18,500 00	
Municipalities Fund.....	1,244 60	
Land Improvement Fund.....	3,239 22	
		\$24,983 82

MISCELLANEOUS

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure \$139,126 80

UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses..... \$50,000 00

Total estimates for expenditure of 1895..... \$5,499,013 63

SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-six, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1896..... \$ 80,000 00

Total..... \$3,579,013 63

CHAPTER 2.

An Act respecting the Legal Meaning of Expressions
relative to Time.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :—

1. Where an expression of time occurs in any Act of Expressions
this Legislature, whether heretofore or hereafter passed, or in as to time to
any by-law, deed or other legal instrument, whether heretofore refer to
or hereafter executed, the time referred to shall, unless it standard
is otherwise specifically stated, be held to be Standard time.
and as regards that part of the Province which lies east of the
meridian of eighty-seven degrees west longitude, Standard
time shall be reckoned as five hours behind Greenwich time ;
and as regards that part of the Province which lies west of
the said meridian, Standard time shall be reckoned as six
hours behind Greenwich time.

2. The hours of the day may in any locality be num- Numbering
bered in one series up to 24 according to the "24-hour notation" hours of day
so called, and the numbers so used shall be equally valid with the up to 24.
numbers used in the division of the day into two series of 12
hours, distinguished as "a.m." and "p.m."

3. This Act may be cited as *The Definition of Time Act*, Short title.
1895.

CHAPTER 3.

An Act to amend The City Manhood Suffrage Registration Act, 1894.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as *The Manhood Suffrage Registration Act, 1895*.

Application to towns.

2. This Act and *The City Manhood Suffrage Registration Act, 1894*, shall apply to county towns as well as cities.

Boards of registrars in towns.

3. In county towns the board of registrars shall consist of the county judge, the police magistrate and the clerk of the county court. Where one of the persons herein mentioned is unable to act from any cause, or refuses to act, the other two shall appoint some other person to the vacancy.

Registering members of permanent militia corps.

4. Members of a permanent militia corps enlisted for continuous service under section 28 of *The Militia Act*, shall be registered on furnishing evidence that they are entitled to registration under *The Dominion Franchise Act*, and not otherwise.

“Mariner,” meaning of.

5. The word “mariner” where it occurs in *The Manhood Suffrage Registration Act, 1894*, shall mean and include the officers, sailors, engineers, cooks, stewards, waiters, deck hands and other persons employed upon any steamboat or sailing vessel during its navigation.

Students, registration of.

6. Notwithstanding anything in the said Act contained students in attendance at any university, college, school or other institution of learning, situated in any city or town to which the said Act applies, who are, during such attendance, residents of and domiciled in such city or town, and who are not at the time of application for registration under the said Act, registered or entered upon and are not entitled to be registered or entered upon any other list of persons entitled to

to vote at elections for the Legislative Assembly, shall be entitled to be registered as manhood suffrage voters in such city or town, if otherwise qualified to vote therein.

7. The sittings of the board shall be held on consecutive days, except Sunday, and shall continue from ten o'clock in the morning until nine o'clock in the evening, with intermissions from one o'clock to two o'clock and from six o'clock to half-past seven o'clock ; Sittings of board.

Provided that if the holding of the sittings on consecutive days will not allow of one sitting being held on a Saturday, then the last sitting shall be held on a Saturday, and the second and third sittings shall be held on such days as the board appoints ;

And provided further, that the time from half-past seven o'clock until half-past eight o'clock each evening of the said four days shall, as far as possible, be set apart for the registration of the votes of workingmen.

8. Section 1, sub-sections 2 and 3 of section 27 and section 54 of *The City Manhood Suffrage Registration Act, 1894*, are repealed. 57 V. c. 4, s. 1, s. 27 (2) (3) and s. 54 repealed.

9. This Act shall be read with *The City Manhood Suffrage Registration Act 1894*. Act incorporated with 57 V. c. 4.

CHAPTER 4.

An Act respecting the Election Laws.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. **1.** This Act may be cited as *The Supplementary Election Act 1895*.
- Rev. Stat. c. 10, s. 46 amended. **2.** Sub-section 1 of section 46 of *The Ontario Controverted Elections Act* is amended by adding at the end thereof, the words: "and an application to postpone the case or extend the time for fixing the day of trial may be made to a judge of the Court of Appeal at any time before the expiration of the said six months, and the judge may thereupon, in his discretion, postpone the case or extend the time for fixing the day of trial to a day before or after the expiration of the said six months."
- Postponement of trial. **3.** Notwithstanding the expiration of the five days mentioned in section 15 of *The Ontario Controverted Elections Act*, the court may, on application within three days thereafter, allow service of the petition as provided for by said section, in the same way, and with the like consequence, as if the application had been made within such five days.
- Serving petition. **4.** Where the parties file a consent signed by them or by counsel on their behalf that the trial of the petition may take place in Toronto or some county town specified in the consent, the judges on the *rota*, without further evidence of convenience, may fix the place of trial at the place so specified, though such place may not be in the electoral district the election or return for which is in question.
- Trial at Toronto or other county town by consent. **5.** Sections 13 and 14 of *The Ontario Controverted Elections Act* shall apply to the petition provided for by section 7 of the said Act.
- Application of Rev. Stat. c. 10, ss. 13 and 14. **6.** A member elected to the Legislative Assembly may disclaim his seat in the manner hereinafter provided, and the member

DISCLAIMER.

member so disclaiming shall be held to have thereby vacated the seat, and to have ceased to be a member of the said Assembly in respect of the seat so disclaimed.

7. At any time after an election the member elect who desires to disclaim, may transmit (postpaid and registered), through the post office, directed to "The Clerk of the Legislative Assembly, Toronto," or may cause to be delivered to such clerk, a disclaimer signed by such member to the effect following : Mode of disclaiming.

"I, A. B., member elect to the Legislative Assembly of the Province of Ontario for the electoral division of _____, do hereby disclaim all my right or title to sit or vote as such member or in any manner to act as such member." Form of disclaimer.

8. Such disclaimer shall not affect the right of any person entitled to contest the election and claiming the seat for himself or some other person, and shall not affect the liability of the person disclaiming in respect of corrupt practices. In case of a petition claiming the seat for some other person, the judge or judges trying the election shall determine whether any candidate other than the member who has disclaimed was duly elected, and a candidate declared by the judge or judges duly elected shall be entitled to take his seat. Effect of disclaimer on right and liabilities.

9. The Clerk of the House shall at the earliest practicable moment after he receives the disclaimer, transmit or deliver a copy thereof to the Registrar of the Court of Appeal, who shall give notice of such disclaimer to any person who has filed, or who may thereafter present to be filed, a petition against the member so disclaiming. Notice of disclaimer.

10. Notwithstanding anything in this Act contained, a judge of the court of appeal may, notwithstanding such disclaimer, upon the application of any voter in the electoral district within ten days after the registrar of the Court of Appeal shall have received notice of such disclaimer, upon its being made to appear that corruption has extensively prevailed at the election, permit a petition to be filed in the same manner and as though no such disclaimer had been made, or may, upon the grounds aforesaid, permit proceedings upon any petition which has been filed to proceed upon such terms as he may think fit. Permitting petition to be filed where corruption charged.

11. If no petition is filed within the time limited for that purpose, by the said *The Ontario Controverted Elections Act*, or by this Act, or if the petition is dismissed, the Lieutenant-Governor in Council shall direct the issue of a new writ for the election of a member in the place of the member disclaiming ; and the writ shall issue accordingly. Issuing writ when no petition filed after disclaimer.

When petition filed before notice of disclaimer.

12—(1) If a petition is filed before the petitioner has notice of the filing of the disclaimer or if no application is made to the judge for leave to file such petition upon the grounds hereinbefore set forth, or for leave to proceed upon a petition, or if such application is dismissed the member shall pay all costs of the petitioner up to the time such petitioner receives notice of the disclaimer, and the costs of the application, and of any application under section 10, shall be in the discretion of the judge.

Taxation and recovery of costs.

(2) The said costs shall be taxed in the same manner as other costs are taxed under *The Ontario Controverted Elections Act*, and may be recovered in the same way.

VOTERS' LISTS IN UNORGANIZED TERRITORIES.

55 V. c. 2, s. 5 repealed.

13. Section 5 of the *Act Respecting Voters' Lists in Unorganized Territories*, passed in the 55th year of Her Majesty's reign and chaptered 2, is hereby repealed and the following substituted therefor:

Posting up lists in unorganized sections.

5. So soon after the first day of June in each year as may be convenient the officer whose duty it is to prepare a list of voters under this Act shall cause to be posted in a conspicuous manner throughout those parts of the electoral district which consist of unorganized territory, where there are no assessment rolls, at every public and separate school house and at every statutory polling place and every other place at which a poll was held at the last election to the Legislative Assembly a copy of this Act and one or more printed notices in the Form A appended to this Act, and such officer shall attend at the time and place mentioned in the said notice.

IDENTIFICATION OF BALLOTS.

Proceedings upon marking ballot papers.

14. In order to insure the proper marking of ballot papers by deputy returning officers at elections of members of the Legislature, it is enacted as follows:

Exhibiting initials of deputy returning officer to persons present.

(1) The deputy returning officer shall, if required by any candidate present or his agent, exhibit the name or initials signed or stamped by such deputy returning officer upon the back of the ballot paper before handing the ballot paper to the voter.

Voter may decline ballot not initialed.

(2) Any person desiring to vote at an election may decline to receive a ballot paper which has not the name or initials of the deputy returning officer signed or stamped upon it as required by *The Ontario Election Act 1892*.

55 V. c. 3.

Penalty for omitting to initial ballots.

(3) Any deputy returning officer wilfully omitting to sign or stamp his name or initials on the back of a ballot paper in use for the purposes of an election shall be liable to a fine of twenty dollars in respect of every such ballot paper upon the back whereof he has not signed or stamped his name or initials as required by *The Ontario Election Act 1892*.

55 V. c. 3.

(4) Such penalty may be recovered in the same manner as other penalties are recoverable under section 187 of *The Ontario Election Act 1892*. Recovery of penalty under 55 V. c. 3, s. 187.

15. Where upon the opening of the ballot box and the counting of the ballots, it is found that the number of ballot papers is the same as the number which has been given by the deputy returning officer to, and which were used by voters, the omission of the deputy returning officer to sign or stamp some of such ballot papers shall not be a ground for the rejection of the same. When initialed ballot not to be rejected. 55 V. c. 3.

COURT OF APPEAL.

16. The decision of the Court of Appeal on any matter or question under *The Ontario Election Act 1892*, or *The Ontario Controverted Elections Act*, or any amendments to such Acts, shall be final, and shall not be subject to any appeal whatsoever. Decisions of Court of Appeal under 55 V. c. 3 and Rev. Stat. c. 10 to be final.

17.—(1) To remove doubts it is hereby declared that no person is ineligible, or shall be deemed to have been heretofore ineligible, to be a member of the Legislative Assembly, by reason of his being interested as an executor, administrator or trustee only, having otherwise no beneficial interest, in a contract or agreement with Her Majesty, or with a public officer or department with respect to the public service of the Province, or under which public money of the Province is to be paid for any service, work, matter or thing. Persons representing estates of contractors not to be disqualified.

(2) Nor is any person ineligible nor shall any person be deemed to have been heretofore ineligible as aforesaid by reason of his being, or having been, a shareholder in an incorporated company having any such contract or agreement as aforesaid; provided, however, that this shall not apply to, or declare, eligible a shareholder in a company undertaking a contract for the building of any public work for the Province, or for the supply of goods to any of the public institutions of the Province which are under the management of the Government, or of any department thereof, or for the supply of goods to the Queen's Printer for the Legislature or for any Department of the Government. But this proviso (save as to that portion thereof which relates to public works) shall not extend to or affect any shareholder or stockholder who is not such for any sum exceeding \$1,000. Shareholders in contracting companies not to be disqualified. Exceptions.

(3) Nor is any person ineligible nor shall any person be deemed to have been or to be ineligible as aforesaid by reason of his being a surety or contractor or liable for the payment of money for or on account of the maintenance or tuition of an inmate or pupil of the Institutes for the Deaf and Dumb or Blind, or a pupil at the Ontario Agricultural College and Liability for support of inmates of certain institutions not to disqualify.

Experimental Farm, or at Upper Canada College, or the Toronto University, or University College, or other Government Institution; or by reason of his being or having been a postmaster elsewhere than in a city, town or incorporated village, or interested in a contract for carrying the mail between two or more post offices other than cities, towns or incorporated villages, nor by reason of his being the surety of any such postmaster or contractor.

“License,”
meaning of in
57 V. c. 8.

47, V. c. 4, s.
48 declared
be in force.

18. To further remove doubts it is hereby declared that the word “license” in the Act intituled “*An Act respecting the Election of Licensees of Timber Limits to the Legislative Assembly*” includes a “permit” or permission; and that notwithstanding the omission of section 48 of chapter 4 of the Acts passed in the 47th year of Her Majesty’s reign, from the Revised Statutes of Ontario, 1887, such section is now and has been in force from the time of the passing thereof.

Disqualifica-
tion before
election not to
apply until
declared by
courts.

Exceptions
as to certain
cases.

Rev. Stat. c.
11.

19. No disqualification, under sections 8 or 9 of chapter 11 of the Revised Statutes of Ontario, 1887, on any ground arising before the election shall be held by any Court to affect or to have hitherto affected the seat of a member of the Legislative Assembly, or to disentitle or to have disentitled any person to sit or vote therein, until such disqualification has been duly declared and found by an Election Court. But this is not to be construed as affecting the cases provided for by section 10 of the *Act respecting the Legislative Assembly*; nor as affecting the right of the Legislative Assembly to expel a member according to the practice of Parliament or otherwise.

TIME.

55 V. c. 3,
s. 204, and
Rev. Stat., c.
10, s. 112, re-
pealed.

Sundays and
holidays not
to be excluded
in reckoning
time.

20. Sections 204 of *The Ontario Election Act, 1892*, and 112 of *The Ontario Controverted Elections Act* are repealed, and Sunday and any day set apart by any Act of lawful authority for a public holiday, fast or thanksgiving, shall not be excluded in reckoning any period of time under those Acts or amendments thereto, but where anything is required by any section of the said Acts to be done on a day or date which falls on any of those days, or where the last day for doing anything or for taking any proceedings under the said Acts, falls on any of such days, such thing may be done on the next juridical day.

Treating.

21. It shall not, upon the trial of an election petition, be a sufficient answer to a charge of treating electors that the person charged had been in the habit of treating.

55 V. c. 3,
s. 38 amended.

22. Section 38 of *The Ontario Election Act 1892*, is amended by adding the following as sub-section 5 thereto:—

(5) In case the returning officer is dissatisfied with any polling place or places provided by the city he may provide others in lieu thereof.

23. This Act shall not apply to or affect litigation pending at the time of the passing thereof. Pending litigation not affected.

CHAPTER 5.

An Act respecting Road Allowances in the Rainy River Surveys.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS, by section 2 of chapter 7 of the Acts passed in the 49th year of Her Majesty's reign, the surveys of certain townships in the district of Rainy River, performed under instructions from the Department of the Interior of the Government of Canada, were adopted and legalized; and whereas, it is expedient to provide that the allowances for roads laid out in the said surveys around the sections or lots in the townships shall be reduced in width from ninety-nine feet to sixty-six feet, the usual width of roads in the Province;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Width of road allowances laid out by Department of Interior reduced.

1. Notwithstanding anything contained in chapter 7 of the Acts passed in the 49th year of Her Majesty's reign, the road allowances in the townships in the district of Rainy River, laid out under instructions from the said Department of the Interior shall be and are hereby declared to be one chain, or sixty-six feet, in width, said chain allowance to be that lying immediately north and east, respectively, of the lines of survey run upon the ground in the original survey.

Lands detached to form part of adjoining quarter-sections or lots.

2. The strips of land hitherto forming part of the road allowances shall be detached therefrom and attached to and form part of the quarter sections or lots, as the case may be, immediately adjoining said strips of land on the east and north thereof.

Present quarter-section posts or lot posts to remain.

3. The quarter-section posts or lot posts hitherto intended to define on the ground the limits of the quarter-sections or lots in the said townships shall continue to be the governing points, notwithstanding the addition hereby made to the respective quarter-sections or lots.

CHAPTER

CHAPTER 6.

An Act to make provision for Temporary Vacancies in Public Offices.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In the case of the death, resignation or removal of a sheriff, if there be at the time no deputy sheriff, or in the case of the death, resignation or removal of a registrar, if there be at the time no deputy registrar, the county or district attorney for the county or district, as the case may be, shall *ex-officio* be the sheriff *pro tempore* or registrar *pro tempore*, as the case may be, until another person is appointed sheriff or registrar as the case may be, and the county or district attorney on becoming sheriff *pro tempore* or registrar *pro tempore* may appoint a deputy sheriff or deputy registrar, and shall do and perform every other act, matter or thing necessary for the execution of the office which shall go to him as hereinbefore provided.

Where vacancies occur in office of sheriff or registrar and there is no deputy, county attorney to act.

2. The sheriff *pro tempore* or registrar *pro tempore* shall be answerable for the execution of the office in all respects and to all intents and purposes whatsoever, during such interval as the sheriff or registrar so dying, resigning or having been removed, would by law have been if he had been living or continuing in office, and any security hereafter given by a sheriff or registrar so afterwards dying, resigning or being removed as aforesaid shall be a security to the Queen, her heirs and successors, and to all persons whatsoever, for the due and faithful performance of the duties of his office by the sheriff *pro tempore* or registrar *pro tempore*, as the case may be.

Temporary officer to be responsible.

CHAPTER 7.

An Act to make further Provision for the Payment of Succession Duties in Certain Cases.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 6, s.
4, amended.

1. Section 4 of *The Succession Duty Act, 1892*, is amended by striking out the words in the first four lines thereof, and substituting the following therefor:

Property
liable to suc-
cession duty.

“Save, as aforesaid, all property situate within this Province whether the deceased person owning or entitled thereto was domiciled in Ontario at the time of his death or was domiciled elsewhere.

55 V., c. 6, s.
4, amended.

2. The said section is further amended by adding thereto the following sub-section:

Property
brought into
Ontario for
distribution.

(6) Provided that any portion of the estate of any deceased person, whether at the time of his death such person was domiciled in the Province of Ontario or was domiciled elsewhere, which is brought into the Province by the executors or administrators of the estate to be administered or distributed in this Province, shall be liable to the duty hereinbefore imposed; but if any succession or legacy duty or tax has been paid upon such property elsewhere than in Ontario, and such duty or tax is equal to or greater than the duty payable on property in this Province, no duty shall be payable thereon in this Province; and if the duty or tax so paid elsewhere is less than the duty payable on property in this Province, then the property upon which such duty or tax has been paid elsewhere shall be subject to the payment of such portion only of the succession duty provided for in the preceding sub-sections of this section as will equal the difference between the duties payable under this Act with respect to property in the Province of Ontario and the duty or tax so paid elsewhere.

CHAPTER 8.

An Act to amend The Algonquin National Park Act.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section (2) of section 3 of *The Algonquin National Park Act* is amended by striking out the words "in which no lands have heretofore been granted," and by adding to such sub-section the following: "Where lands have been granted in any such township or part of township the Lieutenant-Governor in Council may impose such terms and conditions in adding the same or any part thereof to the park as shall to him seem fit and proper." 56 V. c. 8, s. 3, sub-s. 2, amended.

2. The following is added to section 10 of the said Act as sub section 1 thereof :— 56 V. c. 8, s. 10, amended.

(1) The superintendent or any park ranger may seize, take possession of, and confiscate or destroy any nets, traps, spears, explosives, weapons or instruments which he may find within the park, whether the same are held or set out with intent to take or kill any animals or fish the taking or killing of which is forbidden by this Act, or otherwise, and may also seize and take possession of all fire-arms, furs, skins or peltries found within the park, and the burden of proving that such furs, skins or peltries have not been taken contrary to law shall be and rest upon the person claiming the same or in whose possession they may be found. The superintendent shall at once report any such seizure to the Commissioner of Crown Lands, who shall have power to direct the confiscation of the articles seized or any of them and to direct that they be sold and the proceeds of the sale applied in the manner provided in section 10 of the said Act. For the purpose of searching for nets, traps, spears, fire-arms, explosives, weapons, instruments, furs, skins or peltries, the superintendent or any ranger may enter into any house, dwelling, structure or camp within the park and may there search for the same without a search warrant, and shall have the same powers of seizure and confiscation as elsewhere within the park. Confiscating weapons, etc., unlawfully used.

Licenses to
guides.

3. The superintendent of the said park may issue licenses to fit and proper persons to act as guides in conducting tourists and visitors into and through the park, and no person shall act as guide to or accompany any tourist or visitor or party of tourists or visitors without being in possession of such license, under a penalty not exceeding \$20 for each offence, to be recovered as any other penalty may be recovered under the said *Algonquin National Park Act*, and in default of payment the offender may be committed to gaol for a period not exceeding 30 days. The annual fee to be paid for a license shall not exceed the sum of one dollar. The superintendent may cancel any such license upon proof of violation by the holder thereof of the Park Act or any of the regulations made thereunder.

Act incor-
porated with
56 V. c. 8.

4. This Act shall be read with and as part of the said *Algonquin National Park Act*.

CHAPTER 9.

An Act to amend The Tile, Stone and Timber
Drainage Act.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 8 of *The Tile, Stone and Timber Drainage Act* is repealed and the following substituted therefor:—

Rev. Stat.
c. 38, s. 8
repealed.

8.—(1) Any person, assessed as owner and being the actual owner of land in the municipality, wishing to borrow money for the purpose of tile, stone or timber drainage may make application to the council of the municipality in the Form 4 to this Act.

Application
for loan.

(2) No such application shall be acted upon by the council unless it is accompanied by a statutory declaration made by the applicant stating that he is the actual owner of the lands mentioned in the said application, and that the said lands are free from encumbrances, or if the said lands or any part thereof are mortgaged or otherwise encumbered, stating the amount of such mortgage or other encumbrance and the name and address of the mortgagee or encumbrancer, and where the said mortgage has been assigned, the name of the assignee or present holder of such mortgage with his address.

Statutory
declaration of
applicant.

(3) In case it appears that there is any encumbrance upon the said lands or any part thereof the said application shall not be disposed of until two weeks after the mortgagee or other encumbrancer has been notified, by registered letter sent to him by the clerk through the post office to his last known address, of such application.

Notice to en-
cumbrancer.

2. This Act shall come into force on the 1st day of July, 1895.

Commence-
ment of Act.

CHAPTER 10.

An Act respecting the Department of Agriculture.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Duties and powers of Minister of Agriculture.
Rev. Stat., c. 13.

1. The Minister of Agriculture shall, subject to section 3 of the *Act respecting the Executive Council*, have the functions, duties and powers, which by statute or otherwise, on the 23rd day of March, 1888, belonged to the Commissioner of Agriculture, and shall have any other functions, duties and powers which, under and subject to the provisions of the said Act, may be from time to time assigned or transferred to him by Order in Council. 51 Vict. c. 8, s. 1.

Registers of stock.

2. The Minister of Agriculture may take any necessary steps for the continuing of the keeping registers of pure bred stock, heretofore kept by the council of the Agriculture and Arts Association.

BUREAU OF INDUSTRIES.

Bureau to be under direction of Minister of Agriculture.

3. There shall be attached to the department of the Minister of Agriculture a bureau, to be styled "The Bureau of Industries," for collecting, tabulating and publishing industrial information for public purposes, and the said Minister shall be charged with the direction thereof. R.S.O. 1887, c. 39, s. 6.

Useful facts relating to agriculture, etc., to be collected and published.

4. It shall be the duty of the Minister to institute inquiries and collect useful facts relating to the agricultural and other industrial interests of the Province, and to adopt measures for disseminating or publishing the same in such manner and form as he finds best adapted to promote improvement within the Province; and (amongst other things) to procure and publish early information relating to the supply of grain, bread-stuffs and live stock in the other provinces of the Dominion, in Great Britain, and in the United States and other foreign countries in which the Province finds a market for its surplus products, and as to the demand therefor; and the Minister shall,

shall, on or before the first day of May in each year, cause to be published and distributed for the use of the members of the Legislature, the general report and the tabular abstract for the preceding year, made by the secretary to the Minister as provided by section 6 of this Act. R.S.O. 1887, c. 39, s. 7.

5. The Lieutenant-Governor may appoint a secretary of the bureau and may also appoint such other officers as may be necessary for the proper conduct of the Bureau. R.S.O. 1887, c. 39, s. 8.

Appointment of secretary and other officers.

6. It shall be the duty of the secretary, under the instructions of the Minister, to conduct all correspondence of the bureau; to send to the proper officers and persons of whom such service is required the schedules, with instructions approved by the Minister, for the collection of facts and information relating to agriculture and other industries of the Province; to receive, abstract and tabulate the information collected and obtained, and to publish the same from time to time during the growing season; to prepare at the close of each year a general report to the Minister, including a tabular abstract of facts relating to land, trade, government, population and other subjects compiled annually from the departmental records of the Province and from other available records; and generally to perform all work within the sphere of the bureau as he may from time to time be directed by the Minister. R.S.O. 1887, c. 39, s. 9.

Duties of secretary.

7. The Minister of Agriculture, with the approval of the Lieutenant-Governor in Council may make such arrangements as he deems expedient with the government of the Dominion for the collection and transmission of information on the agricultural, manufacturing and other interests of the Province or for obtaining for the use of the Province such information as may have been collected by the Department of Agriculture. R.S.O. 1887, c. 39, s. 11.

Arrangements with Government of Dominion.

8. All collectors and officers employed in collecting data for the Bureau of Industries shall be entitled to receive one copy each of the publications and reports of the said bureau. R.S.O. 1887, c. 39, s. 12.

Officers, etc., entitled to copy of reports.

9. The officers of all societies and associations organized under *The Agriculture and Arts Act*, and of all municipal councils, school boards and public institutions, and all public officers of this Province, shall promptly answer all official communications from the said Bureau, shall from time to time collect and tabulate facts according to instructions to be furnished them, shall make diligent efforts to supply correct information on all questions submitted to them, and generally shall act as far as practicable upon the recommendations of

Officers of certain societies and others to answer all official communications.

the

the Minister; and any officer of any such society, association, council, school board or public institution making a false return of information, or refusing or wilfully neglecting to answer any question, or to fill up, tabulate and return official schedules according to instructions and within the prescribed times, or to furnish information relating to the industries of the Province, when required so to do either by the Minister or by the Secretary of the Bureau, shall for every such offence incur a penalty of \$40, which shall be recoverable by any person suing for the same before any court of competent jurisdiction, and shall be paid to Her Majesty for the use of this Province. R. S. O., 1887, c. 39, s. 10.

CHAPTER 11.

An Act to consolidate and amend the Agriculture and Arts Acts.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. This Act may be cited as *The Agriculture and Arts Act*, Short title. 1895. R. S. O. 1887, c. 39, s. 1.

2. In the construction of this Act,

Interpreta-
tion.

1. "Department" shall mean the Department of Agriculture. "Depart-
ment."

2. "Minister" shall mean the Minister of Agriculture for the Province of Ontario.

3. "Division" shall mean a Division composed of Districts as set forth in schedule A annexed to this Act.

4. District shall mean a District composed of municipalities as set forth in schedule B annexed to this Act.

5. "District Society" shall mean District Agricultural Society.

6. "Township Society" shall mean Township Agricultural Society. R. S. O. 1887, c. 39, s. 2.

3. All agricultural and horticultural societies, and all associations organized under any former *Agriculture and Arts Act*, shall continue except so far as they may be altered or affected by this Act. R. S. O. 1887, c. 39, s. 3.

4. The Minister may decide all matters of doubt or dispute as to the working or construction of this Act, and his decision shall be final, except that an appeal therefrom may be made to the Lieutenant-Governor in Council. R. S. O. 1887, c. 39, s. 4. Minister to
decide dis-
putes.

5. The Minister may appoint any person or persons to inspect the books and accounts of any society, association or body in the Province receiving Government aid, under or by virtue of this Minister may
appoint per-
sons to inspect
accounts of
this societies, etc.

this Act, and may empower such person to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to such inspection; and all officers of any such society or body whenever required so to do, shall submit the book and accounts thereof to such inspection and truly to the best of their knowledge answer all questions put to them in relation thereto, or to the funds of such society or body. R. S. O. 1887, c. 39, s. 5.

DISTRICT AGRICULTURAL, TOWNSHIP AGRICULTURAL AND HORTICULTURAL SOCIETIES.

When societies may be organized.

6.—(1) A district agricultural society may be hereafter organized in each of the districts set forth in schedule B, annexed to this Act; a township agricultural society may be hereafter organized in any township, and a horticultural society may be hereafter organized in any city, town or incorporated village. R. S. O. 1887, c. 39, s. 35 (1) s. 46.

(2) Any two or more townships may unite for the purpose of organizing a township society, and any two or more adjacent incorporated villages, towns or cities may unite for the purpose of organizing a horticultural society.

(3) Any one of the district societies of Toronto may, by a vote of a majority of its members, devote its funds to the objects of a horticultural society.

Mode of organization.

7. The mode of organization shall be as follows:

- (a) A declaration in the form of schedule C to this Act shall be signed by those persons (residents of the municipality or municipalities in which the society is organized) desiring to organize a society under this Act. In the case of a district agricultural society the number of such persons shall be at least eighty, and in the case of a township agricultural or a horticultural society the number shall be at least fifty where the number of ratepayers is two hundred or over, and at least thirty where the number of ratepayers is less than two hundred. R.S.O., 1887, chap. 39, s. 35 (3), s. 46.
- (b) No person shall be considered a member of any district, township or horticultural society for any year unless he shall have paid at least one dollar into the funds of that society as membership fee for that year.
- (c) Within one month after the money has been so paid a true copy of the said declaration, with names and addresses of the signers of the same, shall be transmitted

transmitted to the Minister, who shall thereupon authorize a person to call the first meeting for the organization of the society. R. S. O., 1887, c. 39, s. 35 (3) *part*.

- (d) The first meeting of the district society shall be held on the third Wednesday of January next ensuing, and the first meeting of the township or horticultural society shall be held on the second Wednesday of January next ensuing, of which meeting at least two weeks' public notice shall be given by advertisement in one or more newspapers published in the district and also by printed placards or bills posted in local places of common resort. R. S. O., 1887, c. 39, s. 35 (3).
- (e) At the said first meeting there shall be elected a president, a first vice-president, a second vice-president, and not more than nine other directors, who together shall form the board of directors, a majority of which board shall be resident in the municipality or municipalities in which the society is organized. At the said first meeting the society shall appoint two auditors for the ensuing year. See R. S. O., 1887, c. 39, ss. 40, 51.
- (f) The board of directors from among themselves or otherwise shall appoint a secretary and a treasurer or a secretary-treasurer. See R. S. O., 1887, c. 39, ss. 40, 51.
- (g) A report of the organization meeting certified by the president and secretary and containing a statement of the number of members and a list of the officers elected and appointed shall be sent within one week after the holding of the meeting to the Department. R. S. O., 1887, c. 39, s. 35 (3).

8. Upon the receipt of such report the society so organized shall be deemed a district agricultural, a township agricultural or a horticultural society, as the case may be. The district societies shall bear the name of the district, as set forth in schedule B, and the township and the horticultural societies shall bear the names of the municipality or municipalities wherein they are situated; and each society so constituted and recognized shall be entitled to the legislative grant hereinafter provided and to enjoy all the privileges granted by this Act. R. S. O., 1887, c. 39, s. 35 (3), s. 47 (1).

Designation
of societies.

9.--(1) The objects of district and township societies shall be to encourage improvement in agriculture, horticulture, manufactures and the useful arts:—

Objects of
societies.

(a)

- (a) By importing and otherwise procuring seeds, plants and animals of new and valuable kinds ;
- (b) By offering prizes for essays on questions of scientific inquiry relating to agriculture, horticulture, manufactures, and the useful arts ;
- (c) By awarding premiums for excellence in the raising or introduction of stock, the invention or improvement of agricultural or horticultural implements and machinery, the production of grain and of all kinds of vegetables, plants, flowers and fruits, and generally for excellence in any agricultural or horticultural production or operation, article of manufacture or work of art. R.S.O., 1887, c. 39, sec. 37
- (d) By carrying on experiments in the growing of crops, the feeding of stock or any other branch of agriculture, or by testing any system of farming through arrangement with one or more farmers of the municipality in which the society is organized.

Horticultural societies.

(2) The objects of horticultural societies shall be to encourage improvement in horticulture :—

- (a) By holding meetings for discussion and for hearing lectures on subjects connected with the theory and practice of improved horticulture ;
- (b) By promoting the circulation of horticultural periodicals ;
- (c) By importing and otherwise procuring seeds and plants of new and valuable kinds ;
- (d) By offering prizes for essays on questions of scientific inquiry relating to horticulture ;
- (e) By awarding premiums for the invention or improvement of horticultural implements and machinery, the production of all kinds of vegetables, plants, flowers and fruits, and generally for excellence in any horticultural production and operation. R.S.O., 1887, c. 39, s. 37.

Application of funds.

(3) None of the funds of any of such societies, howsoever derived, shall be expended for any purpose inconsistent with those above mentioned. R. S. O., 1887, c. 39, s. 38.

Annual meetings.

10.—(1) The annual meeting of every society shall be held in each year as follows : that of a township agricultural society on the second Wednesday of January at one o'clock in the afternoon ; that of a horticultural society on the second Wednesday of January at half past seven o'clock in the evening ; that of a district agricultural society on the third Wednesday of January at one o'clock in the afternoon, except in the case

of

of city district societies which shall hold their meetings at half past seven o'clock in the evening.

(2) At least two weeks' previous notice of all such meetings shall be given by advertisement in one or more newspapers published in the municipality or municipalities to which the society belongs and also by printed placards or bills posted in places of common resort. R. S. O., 1887, c. 39, ss. 39, 51. Notice of meetings.

(3) In case any society shall, through any cause, fail to hold its annual meeting at the time appointed, the Minister, on petition of 20 members, may appoint a time for holding the same before the first day of April in the same year, the meeting to be called as for the regular annual meeting, and this meeting shall in all particulars be taken as the annual meeting of the society. When society fails to hold its annual meeting.

(4) In the event of the annual meeting not being held as provided for in this Act, or in the event of the number of members on the first day of September being less than the number required for organization, the society shall cease to exist. Dissolution of society.

11. In addition to any other business the following business shall be transacted at the annual meeting:-- Business to be transacted at annual meetings.

- (a) The board of directors shall present at such meeting a report of their proceedings for the past calendar year, in which shall be stated the names of all the members of the society, the amount paid by each being set opposite to his name, the amount offered and also the amount awarded in prizes for each kind of live stock, agricultural products, implements, domestic products or other objects respectively, the number of entries in each class, together with such remarks and suggestions upon the agriculture and horticulture of the district, and the arts and manufactures therein, as they are enabled to offer. R. S. O., 1887, c. 39, s. 41. Annual report.
- (b) In the case of horticultural societies the said information shall be with reference to horticulture and arts only. R. S. O., 1887, c. 39, s. 52.
- (c) The board of directors shall present a detailed statement of the receipts and expenditures for the preceding year, also a statement of the assets and liabilities of the society at the end of the year, certified to by the auditors. R. S. O., 1887, c. 39, s. 41 (2), s. 52. Recording reports.
- (d) The officers and other directors shall be elected by the members as required by section 7(d). R. S. O., 1887, c. 39, ss. 40, 51. By-laws and regulations,—powers of directors.

12. The said reports shall, if approved by the meeting, be placed on permanent record in the books of the society, and shall also be sent within one month to the Department and the Minister may require all such reports to be made out on schedules to be supplied by the department in such form as he may direct. *See R. S. O., 1887, c. 39, s. 42.*

Meetings,
when and
how called.

13. The members of each society may at an annual meeting or at a special meeting, of which two weeks' previous notice has been given by advertisement as in sub-section 2 of section 10 make, alter and repeal by-laws and regulations for the general management of the society; subject to these by-laws and regulations, the board of directors shall have full power to act for and in behalf of the society and all grants and other funds of the society shall be received and expended under their direction. *See R. S. O., 1887, c. 39, ss. 43 (2), 49.*

Meetings of
directors.

14. The first meeting of the board of directors of a society may be held upon the day of the annual meeting, and the subsequent meetings shall be held pursuant to adjournment, or be called by written notice given by authority of the president, or in his absence of the first vice-president, or in the absence or on the neglect of the president or vice-president, then on the written request of any three of the directors, at least one week before the day appointed, and at any meeting five shall be a quorum. *R. S. O., 1887, c. 39, ss. 43, 49.*

Societies to be
bodies cor-
porate.

15.—(1) All district, township and horticultural societies now or hereafter organized, shall be bodies corporate, with power to acquire and hold land as a site for fairs and exhibitions and, subject to the approval of a meeting of the society called for the purpose, to sell, mortgage, lease, or otherwise dispose of the same, or any other property held by such societies.

(2) At least two weeks' previous notice of such meeting shall be given by advertisement in one or more newspapers published in the county or district and by printed placard; and at such meeting only those persons shall be entitled to vote who are members for the current year and who were also members for the two previous years. *R. S. O., 1887, c. 39, s. 36*

Dissolution
of union
societies.

16. Where two or more municipalities have been united to form a township or a horticultural society a dissolution of such union society may be effected in the following manner: a petition requesting a dissolution and the organization of new societies shall be signed by a majority of the members residing in any one of the municipalities and shall be forwarded to the Minister, and provided the number so signing is equal to the number required for the organization of a new society as in section 7(a), the Minister shall direct that new societies shall

be organized in the manner prescribed in section 7, and the former union society shall thereupon become dissolved and shall cease to exist. R. S. O., 1887, c. 39, s. 54.

17. On the dissolution of a union society the assets of the said society shall be equitably apportioned or divided by arbitrators, or a majority of them, one to be appointed by the board of directors of each of the new societies, and another arbitrator to be chosen by the arbitrators so appointed, or, in the event of the said arbitrators failing to choose such arbitrator within ten days after being appointed, then the senior county judge or the stipendiary magistrate having jurisdiction in the district shall appoint such arbitrator. In case of disagreement the matter shall be referred to the senior judge of the county or the stipendiary magistrate, for final decision. R. S. O., 1887, c. 39, ss. 44, 54.

Apportionment of assets on dissolution of union society.

18. Any township society and town or village municipality that had, prior to the 4th day of March, 1868, jointly purchased and held any lands or buildings for the purpose of agricultural fairs or exhibitions, may continue jointly to hold such lands or buildings, or may sell, mortgage, lease or otherwise dispose of the same, subject to the approval of a meeting of the society as provided in section 15. R. S. O., 1887, c. 39, s. 56.

Powers as to lands.

LEGISLATIVE GRANTS.

19. On or before the first day of September in each year the officers of every district, township and horticultural society shall send to the Department an affidavit, which may be sworn to before any justice of the peace, in the form of schedule D annexed to this Act, stating the number of members and the total amount paid in at that time for membership fees to the officers of the society for the current year. R. S. O., 1887, c. 39, s. 57.

Proofs required to be furnished by societies.

20. Every district society, every township society and every horticultural society organized under or recognized by this Act, shall be entitled to receive a grant out of the unappropriated moneys in the hands of the Treasurer of the Province, the grant to be paid on the recommendation of the Department, and upon the following conditions:—

Conditions of grant.

- (a) That the number of paid-up members for the current year is not less than the number required for organization.
 - (b) That all reports and returns required by this Act have been made to the satisfaction of the Minister.
 - (c) That the annual meeting has been held as required and officers elected, in accordance with section 11.
- (d)

- (d) That the objects of the said society as given in section 9, have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with these objects. *See R. S. O., 1887, c. 39, ss. 57 (1), 58 (1), (2).*

Apportion-
ment of shares
in grant.

21. The division of the legislative grant for each district shall be made as follows:—

- (a) An amount not exceeding \$420 shall be subject to division among the township and the horticultural societies of each district; to be divided in proportion to the number of paid-up members as reported by affidavit on or before September 1st, but any one society shall not receive more than \$140, nor shall any one society receive more than three times the amount reported as paid up by its members. *R.S.O., 1887, c. 39, s. 59.*
- (b) In case a township or a horticultural society is situated within two districts it shall receive from each of the grants made to those districts, but in the proportion of only one-half of the number of its members in each case. *R.S.O., 1887, c. 39, s. 53 (part).*
- (c) The remainder of the legislative grant for each district after thus paying to the township and horticultural societies (if there are any such) the moneys to which they are entitled, shall be payable to the district society.
- (d) The district of the city of Toronto shall not receive more than \$550 in any year; and the districts of the city of Kingston, the city of Hamilton, the city of London, the city of Ottawa, the town and township of Cornwall, and the town and township of Niagara, shall not receive more than \$350 respectively, in any year. *R. S. O., 1887, c. 39, s. 57 (2).*
- (e) The districts of North Muskoka and South Muskoka shall not receive in any year more than \$600, of which not more than \$220 shall be subject to division among the township and horticultural societies, and of which no single township society shall receive more than \$100.

EXHIBITIONS.

Where exhi-
bitions to be
held.

22.—(1) The exhibition of any society shall be held within the limits of the municipality or municipalities in which the society is organized, and in case of a union of two or more societies it shall be held within the limits of the municipali-
ties

ties included in the union ; the place to be decided by a by-law or regulation of the society. *See* R. S. O., 1887, c. 39, s. 62.

(2) Whenever the members of any district or township society have by by-law or resolution fixed upon a place or places for holding the exhibition or exhibitions of such society for any year or years then the place or places for holding such exhibition or exhibitions shall not be changed except by the decision of a majority of the qualified voters, as follows :—

Changing place of holding exhibitions.

- (a) A special meeting shall be called by the board of directors for the expressed purpose of considering the question.
- (b) At least two weeks' previous notice of such meeting shall be given by advertisement as in sub-section 2 of section 10.
- (c) Only paid-up members for the current year who were also members in the previous year shall be qualified to vote.
- (d) The meeting shall be called for ten o'clock in the forenoon, and if a poll is demanded it shall be opened at once and remain open until six o'clock except that it may be closed by the presiding officer of the society if at any time one hour elapses without any vote being polled. *See* R. S. O., 1887, c. 39, s. 62.

23. Any two or more district societies, or a district society and any township or horticultural society or societies, or any two or more such township or horticultural societies, or the society of a city district and any township or horticultural society or societies adjoining such city district, may, by agreement between the officers or a majority of the officers of each such society, unite their funds or any portion thereof for the erection of suitable buildings in which to exhibit articles of produce or manufacture, or works of art, and for annual or extra exhibitions, or for plowing matches, or for any other purpose likely to promote agriculture, horticulture, arts and manufactures, and may acquire by purchase or lease, and hold, sufficient land for this purpose from time to time, and may, subject to the approval of a meeting of the society called for the purpose, at which meeting only paid-up members of at least two years' standing shall be allowed to vote, sell, mortgage, lease or otherwise dispose of the same. R. S. O., 1887, c. 39, s. 63.

Union of district and township societies.

24.—(1) The exhibitions of any township society shall be held at such place as shall afford sufficient accommodation for such exhibitions ; but no separate township exhibition shall be held within five miles of the place at which the district exhibition is held for any year in the same township ; but a township

Township society exhibitions.

society may unite with a district society, and may merge its funds with those of a district society for that year, and if so merged the members of such township society shall be entitled to all the privileges of members of the district society at the exhibition, and the president, vice-president and directors of such township society shall be co-directors with the directors of the district society for the conducting and management of such exhibitions.

(2) But where a township society unites with a district society other than the district society within the limits of which the township is situated, the township society shall only be entitled to share in the distribution of the government grant upon the amount of members' subscriptions paid by members resident within the township, and the secretary of the township society in his returns to the Department shall distinguish the members so resident from other members. R. S. O., 1887, c. 39, s. 64.

Frauds at exhibitions.

* 25. The board of directors of any association or society organized under this Act, on being made aware of any fraud having been committed by any member or exhibitor in the entry of any stock or goods in competition for prizes at any exhibition, shall have the power of withholding the payment of any prizes that may have been awarded by the judges to such members or exhibitors on such fraudulent or any other entries made at any such exhibition. R. S. O., 1887, c. 39, s. 78.

KEEPING THE PEACE AT EXHIBITIONS.

Justices of the peace may appoint policemen, etc.

26. Any justice of the peace having jurisdiction in any city, town, village or township, wherein a fair or exhibition may be held shall, on the request of the president or executive committee of any agricultural or horticultural society, appoint as many policemen or constables as may be required at the expense of the said association or of such society, said policemen or constables to be named by such association or society, whose duty it shall be to protect the property of such association or society within the exhibition grounds, and to eject all persons who may be improperly within the grounds, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such association or society. R. S. O., 1887, c. 39, s. 82.

Penalty for obstructing officers or gaining admission contrary to rules.

27. If any person wilfully hinders or obstructs the officers or servants of any agricultural or horticultural society in the execution of their duty, or gains admission to the said grounds contrary to the rules of such association or society, he shall be liable to a fine of not less than \$1 nor more than \$20; such fine to be enforced and collected as fines are usually collected, and to be paid over to such association or society for its use and benefit; and in default of payment the said offender shall

be

be imprisoned in the common gaol for a period of not more than thirty days. R. S. O., 1887, c. 39, s. 83.

28—(1) The officers of any such association or society may by their rules and regulations prohibit and prevent all kinds of theatrical or circus or acrobatic performances, exhibitions or shows, and also regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandise on the exhibition grounds, or within 300 yards thereof; and any person who, after due notice of such rules and regulations, violates the same shall be liable to be removed by the officers, policemen or constables of said association or society, and be subject to the penalty prescribed by the next preceding section. R. S. O., 1887, c. 39, s. 84.

Gambling,
etc., to be pre-
vented.

Penalty.

(2) The officers of any such association or society shall prevent all kinds of gambling and all games of chance at the place of holding the exhibition or fair, or within 300 yards thereof, and any association or society permitting the same shall forfeit all claim to any Legislative grant during the year next ensuing.

29—(1) It shall not be lawful to carry on any horse racing other than trials of speed under the control and regulation of the officers of the society during the days appointed for holding any exhibition by any district or township society, at the place of holding the exhibition or within five miles thereof.

Horse racing
prohibited
during exhibi-
tions.

(2) Any person who is guilty of a violation of this section shall be liable, upon summary conviction before a justice of the peace, to a fine not exceeding \$50, or imprisonment in the common gaol of the county for a period not exceeding thirty days. R. S. O., 1887, c. 39, s. 86.

Penalty.

OTHER ASSOCIATIONS.

30. The following societies, organizations or associations, whether heretofore incorporated or not, shall be or continue to be bodies corporate under the provisions of this Act, the membership of each to comprise not less than 50 persons, each paying at least \$1 annual membership fee:

Other
societies un-
der operation
of Act.

The Ontario Fruit Growers' Association.

The Entomological Society of Ontario.

The Dairymen's Association of Eastern Ontario.

The Dairymen's Association of Western Ontario.

The Ontario Creameries Association.

The Poultry Association of Ontario.

The Eastern Ontario Poultry and Pet Stock Association.

The

The Ontario Bee-keepers' Association.

The Ontario Agricultural and Experimental Union.

The Dominion Sheep Breeders' Association.

The Dominion Swine Breeders' Association.

See R. S. O., 1887, c. 39, s. 65.

Annual meetings, officers, etc.

31—(1) Each of such associations shall hold an annual meeting at such time and place as may be determined upon by the members; and each association shall at such annual meeting elect a president, one or two vice-presidents and also not less than five or more than nine directors, all of whom shall constitute the board of directors. The Ontario Fruit Growers' Association, and the Ontario Creameries Association, shall each elect one director from each division as set forth in schedule A to this Act. The Dairymen's Association of Eastern Ontario shall elect one director from each of the divisions No. 1, 2, 3, 4, 5, 6 in said schedule A; The Dairymen's Association of Western Ontario shall elect one director from each of the divisions No. 7, 8, 9, 10, 11, 12, 13 in said schedule A; The Eastern Ontario Poultry and Pet Stock Association shall elect one director from each of the divisions No. 1, 2, 3 and 4 in said schedule A; The Poultry Association of Ontario shall elect one director from each of the divisions No. 5, 6, 7, 8, 9, 10, 11, 12 and 13 in said schedule A; The Ontario Entomological Society shall elect five directors, one from each of five divisions, to be arranged by themselves at their annual meeting. The other associations shall arrange for the representation of directors by by-law. The board of directors so elected shall appoint from among themselves or otherwise, a secretary and a treasurer (or a secretary-treasurer). *See R. S. O., 1887, c. 39, s. 67, 52 Vict. c. 9, s. 3.*

(2) In addition to the directors herein provided for, the members of any association may at the annual meeting elect as an additional director any officer of the Ontario Agricultural College and Experimental Farm.

By-laws and regulations.

32—(1) All by-laws and regulations of the said associations must be approved of by a majority of the members present at an annual meeting, or at a special meeting called for the purpose of considering the same, and of which at least two weeks' notice shall be given by public advertisement. *R. S. O., 1887, c. 39, s. 65 (1), (2).*

Powers of officers.

(2) The officers shall have full power to act for and on behalf of the association, and all grants of money and other funds of the association shall be received and expended under their direction, subject, nevertheless, to the by-laws and regulations of the association. *R. S. O. 1887, c. 39, s. 67, (2).*

33. At each annual meeting the retiring officers shall present a full report of their proceedings, and of the proceedings of the association, and a detailed statement of the receipts and expenditure for the previous year and of assets and liabilities, duly audited; and a copy of said report, a statement of receipts and expenditure, a statement of assets and liabilities, a list of members and a list of the officers elected, and also such general information on matters of special interest to each association that such association may have been able to obtain, shall be sent to the Minister within forty days after the holding of such annual meeting. R. S. O., 1887, c. 39, s. 68.

Annual
report.

34 —(1) Each of such associations shall be entitled to receive from unappropriated moneys in the hand of the Treasurer of the Province a specified sum to be placed in the estimates and voted by the Legislature for each year; provided,

Conditions
upon which
associations
shall share in
Legislative
grant.

(a) That the number of *bona fide* members, each paying an annual subscription of not less than one dollar, is at least fifty.

(b) That the secretary of each of the said associations shall, on or before the 1st day of September in each year, transmit to the Minister an affidavit, which may be sworn to before any justice of the peace, stating the number of members who have paid their subscriptions for the current year, and the total amount of such subscriptions.

(c) That the general provisions of this Act have been complied with.

(d) That none of the funds of the association, from whatever source derived, have been expended in a manner inconsistent with the purposes of organization of the said association. R. S. O., 1887, c. 39, s. 66.

(2) In the case of each of the poultry associations the grant shall not be paid if the show or exhibition be held in any one place for two years in succession, or in any place within forty miles from the place of exhibition in the previous year.

35. The Minister may appoint a person who shall audit the accounts of any of the various associations and this auditor shall present a report of the result of his audit to the officers of the association and also to the Minister.

Auditing
accounts.

GENERAL PROVISIONS AS TO ELECTIONS.

36. All persons not under eighteen years of age who have paid the membership subscription for the year then next ensuing to any society or association to which this Act applies shall have the right of voting at the election of officers, and on all other questions submitted to the annual meetings of such societies. R. S. O., 1887, c. 39, s. 70.

Right of
voting.

Payment of
subscriptions
after poll
opened not to
entitle to vote.

37.—(1) No membership subscriptions for the ensuing year paid after the president or presiding officer has declared the poll open for the election of officers shall entitle any member to vote for such officers, or shall render him eligible for election as an officer, nor, except in the case of the city district societies and the horticultural societies, shall any votes be received earlier than one o'clock in the afternoon nor later than six o'clock in the afternoon of the same day. R. S. O., 1887, c. 39, s. 171.

(2) In the case of the Toronto, Hamilton, Ottawa, Kingston and London district societies and also in the case of all horticultural societies the hours for opening and closing the poll shall be fixed by by-law of each society.

Vacancies.

38. Except as otherwise provided, a vacancy occurring by the death or resignation of any officer of an agricultural or other society organized under this Act may be filled by the remaining officers thereof; and it shall be the duty of such officers, and they are hereby empowered, to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if for any reason a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in the next section. R. S. O., 1887, c. 39, s. 72.

Where elec-
tion illegal
and void.

39. In the event of an election of any officers of any association, society or other body coming within the provisions of this Act not being held at the time or place herein directed, or being for any reason illegal and void, then the persons in office at the time when such election should have been legally held shall continue to be, and shall be deemed to be, the officers of such association, society or body until their successors are legally appointed, and, in the event of any such non-election or illegal election, a special meeting of the members of such association, society or other body shall be called as soon as practicable for the election of such officers; such meeting to be called (in the manner provided in sub-section 2 of section 10 in the case of the annual meeting of an electoral district society) by the president, or in his absence or on his neglect by the vice-president, or in the absence or on the neglect of the president and vice-president, then by any three members of the association, society or other body; and at such meeting the election of officers shall take place, and the persons elected shall thenceforth, until their successors are appointed, be and be deemed to be the officers of such association, society or body. R. S. O. 1887, c. 39, s. 73.

40. A special meeting of the directors of any association or society organized under this Act may be called by the president thereof, or in his absence or on his neglect, by the vice-president, or in the absence or on the neglect of the president and vice-president, then by any three members of such body, of which meeting at least seven days' notice shall be given to each member; and, except as otherwise provided for, a majority of the directors of any such body shall be a quorum. Special meetings.
R. S. O., 1887, c. 39, s. 73 (2).

41. The treasurer of every society or other association organized under this Act before entering upon the duties of his office shall give such security, either by joint or several covenant with one or more sureties, which may be in the form given in schedule E to this Act or otherwise, as the board of directors or other managing officers may deem necessary for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every such board in each and every year to inquire into the sufficiency of the security given by such treasurer and report thereon; and where the same treasurer for any society is reappointed from year to year his reappointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any bond or security given to the society for the faithful performance of his duties shall continue valid as against the parties thereto under such reappointment. Treasurers to give security.
R. S. O. 1887, c. 29, s. 77.

MUNICIPAL AID TO AGRICULTURAL AND OTHER SOCIETIES.

42.—(1) The municipal council of any city, town, village, county or township in this Province may grant or loan money or grant land in aid of the Agriculture and Arts Association, or in aid of any agricultural society or horticultural society formed within the limits of the municipality, or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such society has made the returns required by this Act to be made to the Minister in the case of a township society; and if such grant is a loan of money to enable the said association or society to acquire lands, such municipality may hold the lands so acquired or may take a mortgage thereon, as security for the amount of such grant until the amount of such grant be repaid to the municipality; and any such grant heretofore made in accordance with the provisions of this Act shall be legal and valid. Provided always that the total amount or value of the money or land heretofore or hereafter granted or loaned by any municipality to an agricultural society under this section shall not exceed, in the case of a city, \$3,000, in

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the case of a township or town, \$2,000, and in the case of a village, \$1,000. 57 Vict., c. 17.

Agreements
between
municipalities
and companies
or societies for
the use of
buildings, etc.

(2) Any of the said municipalities owning lands or buildings for public purposes shall have power to make agreements on such terms and for such periods as they may deem expedient with any company now formed, or hereafter to be formed, under the provisions of chapter 155 of the Revised Statutes of Ontario, 1887, or of any amendment thereto, or with any agricultural or horticultural association, for the use of such lands or buildings, or either of them, or for the privilege of erecting on said lands (subject to such terms as may be agreed on) such buildings as they may require for agricultural or industrial shows, and to give the said companies the power of renting said grounds and buildings when owned by said company to any agricultural or horticultural association formed under this Act or any amendment thereto, to and for the purposes of the annual show or shows of said association, and to grant to such company or association the power to collect during said show, or at other times, as may be agreed, from any person wishing to go into or upon any such grounds or buildings, or for any privileges thereon, or for any wagon, carriage or other vehicle, or for any horse or other animal which may be taken thereon, such entrance fee or other charge as the said company or association may deem necessary or expedient. R. S. O., 1887, c. 39, s. 81 (2).

FARMERS' INSTITUTES.

When farmers' institutes may be formed.

43. The formation of farmers' institutes for the purpose of disseminating information in regard to agriculture shall be permitted under this Act, one for each district, as given in schedule B to this Act, but the Lieutenant-Governor in council may, upon the recommendation of the Minister, authorize the organization of additional farmers' institutes or make changes in the limits of the various districts so far as farmers' institutes are concerned, in order to increase their efficiency.

Rules and regulations.

44. The Lieutenant-Governor in council may, upon recommendation of the Minister, adopt rules or regulations for the general guidance or direction of such farmers' institutes.

Share in Legislative grant.

45. Every farmers' institute shall be entitled to receive such money out of the unappropriated funds in the hands of the Provincial Treasurer as the Legislature may grant, provided—

- (a) That the number of members is at least fifty, each paying an annual fee of not less than 25 cents.
- (b) That the rules or regulations approved by the Lieutenant-Governor in Council have been carefully observed.

(c)

- (c) That all reports or returns required to be made to the Department have been made to the satisfaction of the Minister.

AGRICULTURE AND ARTS ASSOCIATION.

46. The Agriculture and Arts Association, and the council of the said Association, shall be continued until the first day of January, 1896, with all the powers and privileges at present conferred by the former *Agriculture and Arts Act*, except as modified by section 47 of this Act. But on and after the first day of January, 1896, the Agriculture and Arts Association and the council of the said association shall cease to exist.

Council of association continued until 1st January, 1896.

47. Upon the passing of this Act all the property and effects, real and personal, of what nature and kind soever vested in the said Agriculture and Arts Association or in the council of the said association or held in trust by the said association or by the said council for the purposes of the same shall, subject to the lawful debts of the association, be vested in Her Majesty for the public uses of the Province.

Property held by association vested in Crown.

HERD BOOKS AND PEDIGREES.

48. The keeping of registers of pure bred stock heretofore delegated to the council of the Agriculture and Arts Association in accordance with sub-section 10 of section 28 of *The Agriculture and Arts Act*, is hereby transferred to the various associations or bodies corporate heretofore engaged in such work conjointly with the said council; and the Lieutenant-Governor in Council may, from time to time, appoint a person or persons on behalf of the Department of Agriculture to assist in such registration; and the salary of the person so appointed shall be payable out of the moneys set apart from year to year by the Legislature of the Province for agriculture.

Stock registers.

49. Any person who wilfully signs any false pedigree intended for registration in any herd, flock or stud book, or who presents to the secretary or other officer having charge of the register for the purpose of having the same entered therein, any false or spurious pedigree, knowing the same to be false or spurious, shall, upon summary conviction thereof, upon information to be laid within two years from the commission of the offence, before any justice of the peace, be liable to a penalty of not more than \$100 and not less than \$25, together with the costs of prosecution, for each pedigree so signed or presented as aforesaid by him. 54 Vict., c. 10, s. 1.

Falsifying pedigrees.

Enactments
repealed.

50. The following Acts are hereby repealed :—

Revised Statutes of Ontario, 1887, chapter 39, except sections 13 to 34, inclusive, which shall continue in force until the 1st day of January, 1896.

Chapter 8 of the Acts passed in the 51st year of the reign of Her Majesty Queen Victoria.

Chapter 9 of the Acts passed in the 52nd year of the said reign.

Chapter 10 of the Acts passed in the 54th year of the said reign.

Chapter 9 of the Acts passed in the 56th year of the said reign.

Chapter 17 of the Acts passed in the 57th year of the said reign.

Commence-
ment of Act.

51. This Act, save section 48 thereof, and subject to the provisions of section 50 with regard to chapter 39 of R. S. O. of 1887, shall come into force immediately on the passing thereof, but the said section 48 shall come into force and take effect on the 1st day of January, 1896.

SCHEDULE A.

(Section 2.)

AGRICULTURAL DIVISIONS.

1. Stormont, Dundas, Glengarry, Prescott, and Cornwall.
2. Lanark North, Lanark South, Renfrew North, Renfrew South, Carleton, Russell, and the city of Ottawa.
3. Frontenac, city of Kingston, Leeds and Grenville North, Leeds South, Grenville South, and Brockville.
4. Hastings East, Hastings North, Hastings West, Addington, Lennox, and Prince Edward.
5. Durham East, Durham West, Northumberland East, Northumberland West, Peterborough East, Peterborough West, Victoria North (including Haliburton), and Victoria South.
6. York East, York North, York West, Ontario North, Ontario South, Peel, Cardwell, and city of Toronto.
7. Wellington Centre, Wellington South, Wellington West, Waterloo North, Waterloo South, Wentworth North, Wentworth South, Dufferin, Halton, and city of Hamilton.
8. Lincoln, Niagara, Welland, Haldimand, and Monck.
9. Elgin East, Elgin West, Brant North, Brant South, Oxford North, Oxford South, Norfolk North, and Norfolk South.

10. Huron East, Huron South, Huron West, Bruce North, Bruce South, Grey East, Grey North, and Grey South.

11. Perth North, Perth South, Middlesex East, Middlesex North, Middlesex West, and city of London.

12. Essex North, Essex South, Kent East, Kent West, Lambton East, and Lambton West.

13. Algoma East, Algoma West, Simcoe East, Simcoe South, Simcoe West, Muskoka, Parry Sound East, Parry Sound West, Nipissing East, Nipissing West, and Manitoulin.

R.S.O., 1887, c. 39, Schd. A., 56 V., c. 10.

SCHEDULE B.

(Section 6, sub-sec. 1.)

In the following schedule the districts into which the Province is divided for the purposes of *The Agriculture and Arts Act* are arranged alphabetically. The boundaries of these divisions do not agree in many cases with the electoral division boundaries. The districts here given were established by schedules to chapter 39 of the Revised Statutes of Ontario for 1887. As agricultural societies were formed before that revision in accordance with these boundaries, and also since the revision, it has been found necessary to retain them.

For convenience of reference it may be pointed out that the following are the districts which agree with the electoral divisions as established by the Revised Statutes of 1887:—

Bruce, South, Centre and North,	Middlesex, North, East and West,
Carleton,	Monck,
Dundas,	Norfolk, North and South,
Durham, East and West,	Northumberland, East and West,
Glengarry,	Oxford, North and South,
Haldimand,	Peel,
Halton,	Peterborough, East and West
Hamilton, city of,	Prescott,
Hastings, North, East and West,	Prince Edward,
Huron, South,	Renfrew, North and South,
Kent, East and West,	Russell,
Lambton, East and West,	Waterloo, North and South,
Lanark, North and South,	Welland,
Lennox,	Wentworth, North and South,
Lincoln,	York, North.
London, city of,	

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The following districts under *The Agriculture and Arts Act* differ from the electoral divisions:—

Addington,	Muskoka, North, and Mus-
Brant, North,	koka, South,
Brant, South,	Niagara,
Brockville,	Nipissing, East,
Cardwell,	Nipissing, West,
Cornwall,	Ontario, North,
Dufferin,	Ontario, South,
Elgin, East,	Ottawa, city of
Elgin West,	Parry Sound, East,
Essex, North,	Parry Sound, West,
Essex, South,	Peel,
Frontenac,	Perth, North and South,
Grenville, South,	Simcoe, East, West and South,
Grey, North,	Stormont,
Grey, South,	Toronto, city of
Grey, East,	Victoria, North,
Huron, East,	Victoria, South,
Huron, West,	Wellington, Centre,
Kingston, city of,	Wellington, South,
Leeds and Grenville, North,	Wellington, West,
Leeds, South,	York, East,
Manitoulin,	York, West.

The municipalities composing these districts will be found in their proper place in the subjoined list:—

Districts for which agricultural societies have been or may be formed, alphabetically arranged.

ADDINGTON: The townships of Camden, Portland, Sheffield, Hinchinbrooke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, North and South Canonto, Ashby, Denbigh, Loughborough and Bedford and the village of Newburgh.

ALGOMA, West: That part of the territory forming the provisional judicial district of Thunder Bay which lies west of eighty-seven degrees west longitude.

ALGOMA, East: The territory forming the provisional judicial district of Algoma, together with that part of the provisional judicial district of Thunder Bay which lies east of eighty-seven degrees west longitude.

BRANT, North: The townships of South Dumfries, Onondaga, the northerly portion (hereinafter described) of the township of Brantford, and the town of Paris.

BRANT, South: The townships of Burford, Oakland, Tuscarora, the southerly portion of the township of Brantford, and the city of Brantford.

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The said northerly portion of the township of Brantford includes and consists of all that portion of the said township which lies on the northerly side of the Grand river; and the said southerly portion of the said township includes and consists of all the remainder of the said township of Brantford.

BROCKVILLE: The town of Brockville, the township of Elizabethtown, the township called Front of Yonge, the township called Rear of Yonge and Escott, and the village of Athens.

BRUCE, South: The townships of Brant, Carrick, Culross and Kinloss, the town of Walkerton, and the villages of Lucknow and Teeswater.

BRUCE, Centre: The townships of Greenock, Kincardine, Elderslie and Huron, the town of Kincardine, and the villages of Paisley and Chesley.

BRUCE, North: The townships of Bury St. Edmunds, Lindsay, Eastnor, Albemarle, Amabel, Arran, Saugeen and Bruce, the town of Wiarton, and the villages of Southampton, Port Elgin, Tara, and Tiverton.

CARDWELL: The townships of Caledon, Albion, Adjala and Tecumseth, and the villages of Bolton, Beeton, and Tottenham.

CARLETON: The townships of Fitzroy, Goulbourn, Gower North, Huntley, March, Marlborough, Nepean and Torbolton, and the villages of Richmond, Ottawa East, and Hintonburgh.

CORNWALL: The town of Cornwall and the township of Cornwall.

DUFFERIN: The townships of Mono, Melancthon, Amaranth, Garafraxa and Mulmur, East Luther, the town of Orangeville, and the village of Shelburne.

DUNDAS: The townships of Matilda, Mountain, Williamsburgh and Winchester, and the villages of Iroquois, Morrisburg, Chesterville, and Winchester.

DURHAM, East: The townships of Cavan, Manvers and Hope, the town of Port Hope, and the village of Millbrook.

DURHAM, West: The townships of Clarke, Darlington and Cartwright, the town of Bowmanville, and the village of Newcastle.

ELGIN, East: The townships of Bayham, Malahide, Yarmouth, South Dorchester, the city of St. Thomas, the town of Aylmer, and the villages of Vienna and Springfield.

ELGIN, West : The townships of Southwold, Dunwich and Aldborough, and the villages of Port Stanley and Dutton.

ESSEX, North : The townships of Tilbury West, Tilbury North, Rochester, Maidstone, Sandwich East, Sandwich South and Sandwich West, the city of Windsor, the towns of Sandwich and Walkerville, and the village of Belle River.

ESSEX, South : The townships of Mersea, North Gosfield, South Gosfield, North Colchester, South Colchester, Malden and Anderdon, the towns of Amherstburgh, Leamington and Essex, the village of Kingsville, and the municipality of Pointe au Pelée Island.

FRONTENAC : The townships of Kingston, Wolfe Island, Pittsburgh, Howe Island and Storrington, and the villages of Garden Island and Portsmouth.

GLENGARRY : The townships of Charlottenburgh, Kenyon, Lancaster and Lochiel, and the villages of Alexandria, Lancaster, and Maxville.

GREY, North : The townships of St. Vincent, Sydenham, Sullivan, Derby, Keppel and Sarawak, and the towns of Owen Sound and Meaford.

GREY, South : The townships of Bentinck, Glenelg, Normanby and Egremont, and the town of Durham.

GREY, East : The townships of Osprey, Collingwood, Proton, Artemesia, Euphrasia and Holland, the town of Thornbury, and the villages of Dundalk and Markdale.

HALDIMAND : The townships of Oneida, Seneca, Cayuga North, Cayuga South, Rainham, Walpole and Dunn, and the villages of Caledonia, Cayuga, and Hagersville.

HALTON : The townships of Esquesing, Nassagaweya, Nelson, Trafalgar, the towns of Milton and Oakville, and the villages of Acton, Burlington, and Georgetown.

HAMILTON, city of.

HASTINGS, North : The townships of Rawdon, Huntingdon, Elzevir, Madoc, Marmora, Lake, Tudor, Bangor, Carlow, Cashel, Dungannon, Faraday, Grimsthorpe, Herschel, Limerick, Mayo, McClure, Monteagle, Wicklow, Wollaston, Sabine, Lyell, Airy, Murchison, and Robinson, the villages of Madoc and Stirling, and any other surveyed townships lying to the north of the said North Riding.

HASTINGS

HASTINGS, East: The townships of Thurlow, Tyendinaga and Hungerford, the town of Deseronto, and the village of Tweed.

HASTINGS, West: The city of Belleville, the township of Sydney, and the town of Trenton.

HURON, South: The townships of Tuckersmith, Usborne, Stephen, Hay and Stanley, and that portion of the township of Goderich south of the line known as "the 6th line" and Huron road, the town of Seaforth, and the villages of Bayfield and Exeter.

HURON, East: The townships of Howick, Grey, Morris, McKillop, and those parts of Hullett and Turnberry respectively which lie east of the road commonly called the Gravel road, and the villages of Blyth, Brussels, and Wroxeter.

HURON, West: The townships of Ashfield, Wawanosh (East and West), Colborne, and those parts of Hullett and Turnberry respectively which lie west of the road commonly called the Gravel road, and that part of the township of Goderich north of the said Huron road and "cut line," and the towns of Goderich, Clinton, and Wingham.

KENT, East: The townships of Zone, Camden (with the Gore thereof), Orford, Howard and Harwich, the towns of Bothwell, Blenheim, Dresden, Ridgetown and the village of Thamesville.

KENT, West: The townships of Romney, East Tilbury, Raleigh, Dover East, Dover West, and Chatham, the town of Chatham, and the villages of Tilbury Centre and Wallaceburg.

KINGSTON, city of.

LAMBTON, East: The townships of Bosanquet, Warwick, Plympton, Brooke and Euphemia, the town of Forest, the villages of Alvinston, Arkona, Thedford, Wyoming, and Watford.

LAMBTON, West: The townships of Sombra, Dawn, Moore, Enniskillen and Sarnia, the towns of Sarnia and Petrolia, and the villages of Oil Springs and Point Edward.

LANARK, North: The townships of Sherbrooke North, Dalhousie, Lanark, Ramsay, Lavant, Darling and Pakenham, the towns of Almonte and Carleton Place, and the village of Lanark.

LANARK, South: The townships of Montague, Elmsley North, Burgess North, Sherbrooke South, Beckwith, Drummond, Bathurst, and the towns of Perth and Smith's Falls.

LEEDS AND GRENVILLE, North: The townships of Kitley, Elmsley South, Wolford, Oxford and South Gower, and the villages of Kemptville and Merrickville.

LEEDS, South: The townships of Front of Escott, Front of Leeds and Lansdowne, Rear of Leeds and Lansdowne, South Crosby, North Crosby, Bastard, and South Burgess, the town of Gananoque and the village of Newboro'.

GRENVILLE, South: The townships of Edwardsburgh and Augusta, the town of Prescott, and the village of Cardinal.

LENNOX: The townships of Richmond, Adolphustown, North Fredericksburgh, South Fredericksburgh, Ernestown and Amherst Island, the town of Napanee, and the village of Bath.

LINCOLN: The townships of Clinton, Grantham, Grimsby South, Grimsby North, and Louth, the city of St. Catharines, and the villages of Grimsby, Merriton, Beamsville, and Port Dalhousie.

LONDON, city of.

MANITOULIN: The islands as follows, Great Manitoulin, Cockburn, Barrie, Fitzwilliam, Lonely, Club, Wall, Rabbit; all islands lying between these islands, between headlands on these islands, and all lying south of Manitoulin Island.

MIDDLESEX, North: The townships of McGillivray, Bidulph, Williams East, Williams West, Adelaide and Lobo, the town of Parkhill, and the villages of Ailsa Craig and Lucan.

MIDDLESEX, East: The townships of West Nissouri, North Dorchester, Westminster and London, and the village of London West.

MIDDLESEX, West: The townships of Delaware, Caradoc, Metcalf, Mosa and Ekfrid, the town of Strathroy, and the villages of Glencoe, Newbury, and Wardsville.

MONCK: The townships of Canborough, Moulton, Sherbrooke, Caistor, Gainsborough, Pelham and Wainfleet, and the village of Dunnville.

MUSKOKA, North : The townships of Cardwell, Stisted, Chaffey, Sinclair, Watt, Stephenson, Brunel and Franklin, and the village of Huntsville.

MUSKOKA, South : The townships of Freeman, Gibson, Baxter, Medora, Wood, Menck, Muskoka, Morrison, Macaulay, Draper, Ryde, McLean, Oakley and Ridout, and the towns of Bracebridge and Gravenhurst.

NIAGARA : Town and township of Niagara.

NIPISSING East : That portion of the electoral district of Nipissing comprising the townships of Cameron, Papineau, Calvin, Bonfield, Ferris, Chisholm, Boulter and Lauder, and the townships in the said district lying to the north of the River Mattawa and to the east of the easterly boundary line of the townships of Widdifield, Mulock, Hart and Garrow, and the said boundary line continued north to the Ottawa River.

NIPISSING, West : That portion of the electoral district of Nipissing not contained as above stated in the district of Nipissing East.

NORFOLK, North : The townships of Middleton, Townsend and Windham, the town of Simcoe, and the villages of Waterford and Delhi.

NORFOLK, South : The townships of Charlotteville, Houghton, Walsingham and Woodhouse, with the Gore thereof, and the villages of Port Dover and Port Rowan.

NORTHUMBERLAND, East : The townships of Cramahe, Brighton, Murray, Seymour and Percy, and the villages of Brighton, Campbellford, Colborne, and Hastings.

NORTHUMBERLAND, West : The townships of Hamilton, Haldimand, Alnwick, and the town of Cobourg.

ONTARIO, North : The townships of Reach, Uxbridge, Brock, Scott, Thorah, Mara, Rama and Scugog, the town of Uxbridge, and the village of Port Perry, Cannington and Beaverton.

ONTARIO, South : The townships of Whitby, East Whitby, and Pickering, and the towns of Whitby and Oshawa.

OTTAWA, city of.

OXFORD, North: The townships of East Nissouri, East Zorra, West Zorra, Blandford, Blenheim, the town of Woodstock, and the village of Embro.

OXFORD, South: The townships of North Oxford, West Oxford, East Oxford, North Norwich, South Norwich and Dereham, the towns of Ingersoll and Tilsonburg, and the village of Norwich.

PARRY SOUND, East: That portion of the electoral district of Parry Sound, as at present constituted, lying to the east of the westerly boundary lines of the townships of McMurrich, Ryerson, Chapman, Lount, Pringle, and Patterson.

PARRY SOUND, West: That portion of the electoral district of Parry Sound, as at present constituted, not included as above in the district of Parry Sound, East.

PEEL: The townships of Chinguacousy, Toronto and the Gore of Toronto, the town of Brampton, and the village of Streetsville.

PERTH, North: The townships of Wallace, Elma, Logan, Ellice, Mornington, and North Easthope, the city of Stratford, the town of Listowel and the village of Milverton.

PERTH, South: The townships of Blanshard, Downie, South Easthope, Fullarton and Hibbert, and the towns of Mitchell and St. Marys.

PETERBOROUGH, East: The townships of Otonabee, Douro, Asphodel, Dummer, Belmont, Methuen, Burleigh, Anstruther and Chandos, and the villages of Ashburnham, Havelock, and Norwood.

PETERBOROUGH, West: The townships of South Monaghan, North Monaghan, Smith, Ennismore, Harvey, Galway and Cavendish, the town of Peterborough, and the village of Lakefield.

PRESCOTT: The townships of Alfred, Caledonia, Hawkesbury East, Hawkesbury West, Longueuil, Plantagenet North, and Plantagenet South, and the villages of Hawkesbury and L'Orignal.

PRINCE EDWARD: The Townships of Ameliasburgh, Athol, Hallowell, Hillier, Marysburgh North, Marysburgh South, and Sophiasburgh, the town of Picton and the village of Wellington.

RENFREW, North: The townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petewawa, Buchanan, South Algona, North Algona, Fraser, McKay, Wylie, Rolph, Head, Maria and Clara, the town of Pembroke, and any surveyed townships lying north westerly of the said north riding.

RENFREW, South: The townships of McNab, Bagot, Blithfield, Brougham, Horton, Admaston, Grattan, Matawathan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, Hagarty, Richards, Sherwood, Burns, and Jones, the town of Renfrew, and the villages of Arnprior and Eganville.

RUSSELL: The townships of Cambridge, Clarence, Cumberland, Gloucester, Osgoode and Russell, and the villages of Rockland and Casselman.

SIMCOE, East: The townships of Tiny, Tay, Orillia, Matchedash, Medonte and Oro, the towns of Orillia, Penetanguishene and Midland.

SIMCOE, West: The townships of Vespra, Flos, Sunnidale, and Nottawasaga, the towns of Barrie, Collingwood and Stayner, and the village of Creemore.

SIMCOE, South: The townships of Tosoronto, Essa, Innisfil, and West Gwillimbury, the town of Alliston and the villages of Bradford and Allandale.

STORMONT: The townships of Finch, Osnabruck, and Roxborough.

TORONTO, city of.

VICTORIA, North: The townships of Eldon, Carden, Dalton, Fenelon, Bexley, Laxton, Digby, Longford and Somerville; and the provisional county of Haliburton, and the villages of Fenelon Falls and Woodville.

VICTORIA, South: The townships of Ops, Mariposa, Emily, Verulam, the town of Lindsay, and the villages of Bobcaygeon and Omemee.

WATERLOO, North: The northerly portion, hereinafter described, of the township of Waterloo, the townships of Woolwich and Wellesley, and the towns of Berlin and Waterloo, and the village of Elmira.

WATERLOO, South: The southerly portion of the said township of Waterloo, the townships of North Dumfries and Wilmot, the town of Galt, and the villages of Ayr, Hespeler, New Hamburg and Preston.

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The said northerly portion of the township of Waterloo shall include and consist of that part of the said township lying within the following limits, that is to say: Commencing at the southwest angle of lot number forty-six in the said township; thence easterly along the southerly limits of the said lot, and of the lots numbers forty-seven, forty-eight, fifty, fifty-one and fifty-three, and the prolongation thereof, to the middle of the Grand River; thence along the middle of the said river, against the stream, to the prolongation of the limits between lots numbers one hundred and thirteen and one hundred and fourteen, and along the prolongation of the limit between the said lots numbers one hundred and thirteen and one hundred and fourteen and along the limits between the said lots one hundred and thirteen and one hundred and fourteen, northerly and easterly, to the westerly limits of lot one hundred and seven; thence along the westerly limits of the said lot number one hundred and seven northerly to the northerly limits thereof; thence along the northerly limits of the said lot number one hundred and seven and of lots numbers one hundred and six, eighty-four and ninety-six easterly to the easterly boundary of the said township; thence along the easterly, northerly and westerly boundaries of the said township in a northerly, westerly and southerly direction, respectively, to the place of beginning; and the said southerly portion of the said township of Waterloo shall include and consist of all the remaining part of the said township.

WELLAND: The townships of Bertie, Crowland, Humberstone, Stamford, Thorold, Willoughby the towns of Niagara Falls, Thorold and Welland, and the villages of Chippewa, Fort Erie, Niagara Falls South, and Port Colborne.

WELLINGTON, South: The townships of Guelph, Puslinch and Eramosa, and the city of Guelph.

WELLINGTON, Centre: The townships of Pilkington, Nichol, Erin, West Garafraxa, West Luther and the villages of Fergus, Erin, and Elora.

WELLINGTON, West: The townships of Arthur, Minto, Maryborough and Peel, the towns of Palmerston, Mount Forest and Harriston, and the villages of Arthur, Clifford, and Drayton.

WENTWORTH, North: The townships of Beverley, Flamborough West, Flamborough East, the town of Dundas, and the village of Waterdown.

WENTWORTH,

WENTWORTH, South: The townships of Saltfleet, Binbrook, Glanford, Barton and Ancaster.

YORK, East: The townships of Markham and Scarborough, that portion of the township of York lying east of Yonge street, the town of North Toronto, and the villages of Markham and East Toronto.

YORK, West: The townships of Etobicoke and Vaughan, that portion of the township of York lying west of Yonge street, the town of Toronto Junction, and the villages of Richmond Hill, Weston, and Woodbridge.

YORK, North: The townships of King, Whitechurch, Georgina, East Gwillimbury and North Gwillimbury, the towns of Newmarket and Aurora, and the villages of Sutton, Holland Landing, and that part of the village of Stouffville which formerly formed part of the township of Whitechurch.

NOTE.—The townships hereinbefore mentioned include all towns and incorporated villages situated within the limits thereof respectively.

SCHEDULE C.

(Section 7.)

DECLARATION OF ASSOCIATION.

We, whose names are subscribed hereto, agree to form ourselves into a society, under the provisions of *The Agriculture and Arts Act*, to be called the district (*or* township), agricultural (*or* horticultural) society of the district (*or* township, *or* city, *or* town, *or* incorporated village) of ; and we hereby severally agree to pay to the treasurer the sums opposite our respective names ; and we further agree to conform to the by-laws and rules of the said society.

Names.	\$	cts.

R. S. O., 1887, c. 39, Sched. B.

SCHEDULE D.

*(Section 19.)*AFFIDAVIT AS TO SUBSCRIPTIONS TO DISTRICT, TOWNSHIP
OR HORTICULTURAL SOCIETY.County of }
To wit: }

I, *A B*, of the township of , Treasurer of the
 Agricultural (*or* Horticultural) Society of the of
 make oath and say that the sum of
 has been paid into my hands, as and for the members' sub-
 scriptions for this year, in accordance with the list herewith
 sent to the Minister of Agriculture; and that the said sum is
 now in my hands, or has already been disposed of according to
 law.

Sworn before me this }
 day of , A.D., 18 }
 C. D., }
Justice of the Peace for the County of } *A. B.*

R. S. O., 1887, c. 39, Sched. D.

SCHEDULE E.

(Section 41.)

Know all men by these presents that we, *A. B.*, treasurer of the _____ society (or association) of the _____ of _____ in the county of _____, Esquire, and *C. D.*, of the _____ of _____, in the county of _____, gentleman (*if more than one surety is required insert here the names of the others in like manner*), do hereby jointly and severally, for ourselves and for each of our heirs, executors and administrators, covenant and promise that the said *A. B.*, as treasurer of the _____ society (or association), shall well and truly account for and pay over to the _____ society (or association), or the person or persons entitled to the same, all moneys which he shall receive by virtue of his said office of treasurer, and that he will faithfully perform the duties of his said office.

Nevertheless it is hereby declared that no greater sum shall be recovered under this covenant against the several parties hereto than as follows : that is to say, against the said *A. B.*, in the whole \$ _____ (*the amount fixed by the board of directors*) against the said *C. D.*, \$ _____ (*the amount fixed by the board of directors*) (*if more sureties were required by the board, here add the names and amounts in like manner.*)

In witness whereof we have to these presents set our hands and seals this _____ day of _____, A.D. 18 _____.

A. B. [L. S.]
C. D. [L. S.]

Signed, sealed and delivered)
in presence of)
E. F.

CHAPTER 12.

An Act to consolidate the Acts governing the Supreme Court of Judicature of Ontario.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

TITLE.

1. This Act may be cited as "*The Judicature Act 1895*," and shall go into effect on such day not before the first day of September, 1895, as the Lieutenant-Governor in Council may by order in Council appoint. Short title.
Commence-
ment of Act.

INTERPRETATION.

2. Where the words following occur in this Act and in the rules, made thereunder or under *The Ontario Judicature Act, 1881*, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears. Interpretation
of terms.
44 V. c. 5.

1. "Rules of court" shall include forms.

2. "Cause" shall include any action, suit, or other original proceeding between a plaintiff and a defendant.

3. "Action" shall include suit and shall mean a civil proceeding commenced by writ, or in such other manner as may be prescribed by rules of court.

4. "Matter" shall include every proceeding in the court not in a cause.

5. "Plaintiff" shall include every person asking any relief (otherwise than by way of counter-claim as a defendant) against any other person by any form of proceeding, whether the same be taken by action, suit, petition, motion, summons, or otherwise.

6. "Petitioner" shall include every person making any application to the court, either by petition, motion, or summons, otherwise than as against any defendant.

7. "Defendant" shall include every person served with any writ of summons or process, or served with notice of, or entitled to attend any proceedings.

8. "Party" shall include every person served with notice of or attending, any proceeding, although not named on the record.

9. "Pleading" shall include any petition or summons, and shall also include the statement in writing of the claim or demand of any plaintiff, and of the defence of any defendant thereto, and of the reply of the plaintiff to any counter-claim of a defendant.

10. "Judgment" shall include decree.

11. "Order" shall include rule.

12. "Oath" shall include solemn affirmation and statutory declaration.

13. "Proper officer" shall, unless and until any rule to the contrary is made, mean an officer to be ascertained as follows:—

(a) Where any duty to be discharged under this Act or under rules of court is a duty which has been discharged by any officer, such officer shall continue to be the proper officer to discharge the same, until otherwise provided by rule;

(b) Where any new duty is under this Act or under the rules aforesaid to be discharged, the proper officer to discharge the same shall be such officer having previously discharged analogous duties, as may from time to time be directed to discharge the same, in the case of an officer of the High Court, not attached to any Division, by the President of the High Court, and in the case of an officer attached to any Division, by the President of the Division.
R. S. O., 1887, c. 44, s. 2.

CONSTITUTION OF SUPREME COURT.

Supreme
court of judi-
cature con-
tinued.

3.—(1) The Supreme Court of Judicature for Ontario at present existing is hereby continued, and all commissions, rules, orders and regulations granted or made, in, by, or respecting the former Court of Queen's Bench for Ontario, the Court of Chancery for Ontario, and the Court of Common Pleas for Ontario, or the Supreme Court of Judicature, the Court of Appeal, and the High Court of Justice, or the judges or officers thereof, existing and in force when this Act takes effect, shall remain in force until altered or rescinded or otherwise determined.

(2) The Supreme Court shall continue to consist of two permanent divisions, to be called "the High Court of Justice for Ontario," and "the Court of Appeal for Ontario."

(3)

(3) The High Court of Justice for Ontario shall continue to consist of three divisions, to be called the Queen's Bench Division, the Chancery Division, and the Common Pleas Division of the High Court.

(4) The Queen's Bench Division shall, during the reign of a king, be called "the King's Bench Division," and during the reign of a queen, "the Queen's Bench Division."

(5) The persons hereafter appointed to fill the places of the Chief Justice of the Queen's Bench, the Chancellor of Ontario, and the Chief Justice of the Common Pleas, and their successors respectively, are to be appointed by the authority mentioned in *The British North America Act* and with the same respective titles as heretofore. Imp. Stat.
30-31 V. c. 3.

(6) The persons to be appointed judges of the High Court shall be barristers-at-law of at least ten years' standing at the bar of Ontario.

(7) Save as in this Act is otherwise expressly provided, all the judges hereinbefore mentioned, and their successors, shall have in all respects equal power, authority and jurisdiction.

(8) The Chief Justice of the Queen's Bench shall be the president of the Queen's Bench Division, the Chancellor shall be the President of the Chancery Division, and the Chief Justice of the Common Pleas shall be the president of the Common Pleas Division.

(9) Besides the Chief Justice of the Queen's Bench, two justices of the High Court shall be attached to the Queen's Bench Division; besides the Chancellor of Ontario, three justices of the High Court shall be attached to the Chancery Division; and besides the Chief Justice of the Common Pleas, two justices of the High Court shall be attached to the Common Pleas Division.

(10) The President of the said High Court shall be that one of the presidents of the Queen's Bench, Chancery and Common Pleas Divisions, who, for the time being, is first in order of seniority.

(11) Upon a vacancy happening among the judges, the judge appointed to fill the vacancy is (subject to the provisions of this Act, and to any rules of court which may be made pursuant thereto) to become and be a member of the same division to which the judge whose place has become vacant belonged.

(12) Nothing in this Act shall prevent, or shall be construed as intended to prevent, the transfer of any judge of any of the said divisions from one to another of the said divisions. R. S. O., 1887, c. 44, s. 3 (1) to (12).

Detachment
of one judge
from chancery
division.

4. One of the four judges of the Chancery Division may, with his consent, be detached from the said division without being appointed to any other division of the said Court, or ceasing to be a judge of the High Court.

(2) In case of a vacancy occurring in the said Chancery Division without a judge thereof having been detached therefrom the judge to be appointed to the High Court in consequence of the vacancy shall not be attached to any particular division thereof.

(3) In either of such cases each of the divisions of the High Court shall thenceforward have the same number of judges. 54 V. c. 13, s. 1.

(4) The judge so detached or appointed shall continue a judge of the High Court, and shall from time to time exercise his judicial functions in any of the divisions thereof. 54 V. c. 13, s. 3.

Judgment by
judge who
resigns after
case heard.

5. Where a judge resigns his office, and any case which has been fully heard by such judge, either alone or jointly with other judges, stands for judgment, he may give judgment therein as if he were still a judge of the same court; and any such judgment shall be of the same force and validity as if he were still such judge, provided that such judgment of the judge be delivered within six weeks after his said resignation. R. S. O., 1887, c. 44, s. 4.

Existing
court of
appeal con-
tinued.

6. The Court of Appeal for Ontario, at present existing is continued under that name, and shall consist of a chief justice, to be called the Chief Justice of Ontario, and three other judges, to be called Justices of Appeal, and the judges of the High Court, shall be *ex-officio* judges of the court of appeal, so as to provide for the cases mentioned in section 12 of this Act. R. S. O., 1887, c. 44, s. 5.

Vacancies in
court of
appeal, how
filled.

7. The Chief Justice of Ontario and the Justices of Appeal may be selected from the judges for the time being, or retired judges of the High Court, or from such barristers as are eligible to be appointed judges of that Court. R. S. O., 1887, c. 44, s. 6.

8.—(1) The Chief Justice of Ontario shall have rank and precedence over all other judges of the courts in Ontario.

(2) The Justices of Appeal, the Chief Justice of the Queen's bench, the Chancellor of Ontario, and the Chief Justice of the Common Pleas shall have rank and precedence among themselves according to their seniority of appointment to any of the said offices. Precedence of judges.

(3) The other judges of the High Court shall have rank and precedence among themselves according to seniority of appointment to their respective offices. R. S. O. 1887, c. 44, s. 7.

9. The Chief Justice of Ontario and the Justices of Appeal may, in addition to their duties as judges of the Court of Appeal, preside over courts of assize and nisi prius, oyer and terminer and general gaol delivery, and hold sittings of the High Court of Justice, for the trial of civil causes, matters and issues, and criminal matters or proceedings; and every such justice in the exercise of such duties shall have the same rights, powers and privileges as a judge of the High Court presiding at such courts or sittings. Appeal judges may hold assizes, etc. R. S. O., 1887, c. 44, s. 8.

10. Upon the request of the judge or judges with or for whom he is requested to sit or act, it shall be lawful for any judge of the Court of Appeal, or any retired judge of the said Court, or of the High Court, who may consent so to do, to sit and act as a judge of the said High Court, or to perform any other official or ministerial acts for or on behalf of any judge absent from illness or any other cause, or in the place of any judge whose office has become vacant, or as an additional judge of any division; and while so sitting and acting, any such judge of the Court of Appeal or retired judge shall have all the power and authority of a judge of the said High Court. Provision for absence or vacancy in office of a judge. R. S. O., 1887, c. 44, s. 9.

11. No sitting of the Court of Appeal shall be held unless four of its members are present where the appeal is from a divisional court of the High Court. Quorum. R. S. O., 1887, c. 44, s. 10.

(2) In the case of appeals from a single judge, sitting in court or otherwise, three judges of the Court of Appeal shall be sufficient to hear and dispose of the case, if the court thinks fit to proceed therewith without the presence or assistance of a fourth judge. Appeals from single judge may be heard by three judges.

12.—(1) In case from pressure of business, or other cause, it shall at any time seem expedient to the Lieutenant-Governor in Council, or to the judges of the Supreme Court, or a majority of them (of which majority two judges of the Court of Appeal, including the chief justice, unless absent on leave, shall form Divisional courts of court of appeal.

part),

part), the Court of Appeal may sit in two divisions at the same time; and in such case, and to enable two Divisional Courts to be held, the judges of the said Supreme Court, or the said majority of them, shall select from the judges of the High Court so many of the judges thereof as may be necessary, together with the ordinary judges of the Court of Appeal, to form two divisions of the said court, and the judges so chosen and acting shall have all the power and authority of the judges of the said Court of Appeal.

(2) Unless otherwise arranged by the judges of the Court of Appeal and the said judges so selected, two of the ordinary judges of the Court of Appeal shall where practicable sit in each such divisional court. R. S. O., 1887, c. 44, s. 11.

Quorum may be made up by the judges of the high court.

13. In case of there being a vacancy in the Court of Appeal or in case from illness or some other cause, any of the judges of the said Court are not present at some sitting of the court, or in case any of the said judges are under some legal disqualification to hear an appeal, the judges of the High Court shall choose from amongst their number as many judges as are necessary, to form a quorum; and the judges so chosen and acting shall have authority to continue to hear appeals partly heard before them, and to give judgment in all appeals heard before them, notwithstanding that such vacancy may in the meantime have been filled up, or that the judge who was absent may have resumed his duties. R. S. O., 1887, c. 44, s. 12.

Judges of high court sitting in court of appeal.

14. In case of judges not having been chosen by the judges of the Supreme Court, as mentioned hereinbefore in this Act, or in case of the judge or judges chosen not being available, the senior of the presidents of the divisions of the High Court shall sit in the Court of Appeal where one judge only is needed for the High Court, the two senior presidents where two are needed, and the three presidents where three judges are needed. Any other judge of the High Court may sit in the place of one of the presidents by arrangement between such other judge and the president whose duty it is to sit as aforesaid.

Duty in court of appeal to have precedence over other work of high court judge.

15. Where a judge of the High Court is selected or it becomes his duty, under this Act, to sit in the Court of Appeal, the business of the Court of Appeal shall thenceforward have precedence of all other judicial duty of such judge.

Judges selected to sit in court of appeal until other selection made.

16. Judges of the High Court to whom at any time shall fall the duty of sitting in the Court of Appeal, or in a divisional court thereof, shall continue to be the judges to perform such duty until a selection, or new selection (as the case may be), shall be made by a majority of the judges of the Supreme Court.

17. In the absence of the Chief Justice of Ontario, the judge entitled to precedence over the other judges present shall preside. R. S. O., 1887, c. 44, s. 16.

Presiding
judge in
absence of
chief justice.

18. The Court of Appeal shall subject to the provisions of section 57 of this Act, hold its sittings at the city of Toronto at such times and for such periods as the acting judges thereof for the time being, or a majority of them, may deem necessary or convenient for the speedy despatch of business. R. S. O., 1887, c. 44, s. 17.

Sittings of the
court of
appeal.

19. The oath to be taken by the judges to be hereafter appointed shall be the following:—

Oath of office.

“I do solemnly and sincerely promise and swear, that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as
; so help me God.”
R. S. O., 1887, c. 44, s. 18.

20. The oath is to be administered to the Chief Justices and the Chancellor by the Lieutenant-Governor in Council, and to the justices of the High Court, other than the Chief Justices, in presence of the President of the High Court; and to the justices of the Court of Appeal in open court by the Chief Justice of Ontario, unless the Lieutenant-Governor in any of such cases shall otherwise direct. R. S. O., 1887, c. 44, s. 19.

Administra-
tion of oath.

JURISDICTION OF HIGH COURT.

21. The High Court shall be a superior court of record of original jurisdiction, and shall, subject as in this Act mentioned, possess all such powers and authorities, as by the law of England, are incident to a superior court of civil and criminal jurisdiction; and shall have, use and exercise all the rights, incidents and privileges of a court of record, and all other rights, incidents and privileges as fully to all intents and purposes as the same were on the 5th day of December, 1859, used, exercised and enjoyed by any of Her Majesty's superior courts of common law at Westminster in England, and may and shall hold plea in all and all manner of actions and causes as well criminal as civil, and may and shall proceed in such actions and causes by such process and course as are provided by law; and as shall tend with justice and despatch to determine the same; and may and shall hear and determine all issues of law; and may and shall also hear and (with or without a jury, as provided by law) determine all issues of fact that may be joined in any such action or cause, and judgment thereon give, and execution thereof award in as full and ample a manner as might, at the said date, be done in Her Majesty's Courts of Queen's Bench, Common Bench, or, in matters which regard the Queen's revenue (including the condemnation of contraband or smuggled goods), by the Court of Exchequer in England. R. S. O., 1887, c. 44, s. 20.

Jurisdiction of
high court.

Equitable
jurisdiction.

22. The High Court shall also, subject as in this Act mentioned, have the like jurisdiction and powers as by the laws of England were on the 4th day of March, 1837, possessed by the Court of Chancery in England, in respect of the matters hereinafter enumerated, that is to say :

1. In all cases of fraud and accident ;
2. In all matters relating to trusts, executors and administrators, copartnership and account, mortgages, awards, dower, infants, idiots, lunatics and their estates ;
3. To stay waste ;
4. To compel the specific performance of agreements ;
5. To compel the discovery of concealed papers or evidence or such as may be wrongfully withheld from the party claiming the benefit of the same ;
6. To prevent multiplicity of suits ;
7. To decree the issue of letters patent from the Crown to rightful claimants ;
8. To repeal and avoid letters patent issued erroneously or by mistake, or improvidently, or through fraud. R. S. O., 1887, c. 44, s. 21. *See also* sec. 53 (9).

Rules of deci-
sion in such
cases.

23. The rules of decision in the said matters in the last preceding section mentioned shall, except where otherwise provided, be the same as governed the Court of Chancery in England, in like cases, on the 4th day of March, 1837. R. S. O., 1887, c. 44, s. 22.

Jurisdiction in
cases where
formerly no
adequate
remedy at law.

24. The High Court shall have the like jurisdiction and power as the Court of Chancery in England possessed on the 10th day of June, 1857, as a court of equity to administer justice in all cases in which there existed no adequate remedy at law. R. S. O., 1887, c. 44, s. 23.

Jurisdiction
in matters of
revenue.

25. The High Court shall have the like equitable jurisdiction in matters of revenue as the Court of Exchequer in England possessed on the 18th day of March, 1865. R. S. O., 1887, c. 44, s. 24.

Relief against
forfeiture for
breach of cove-
nant to insure
in certain
cases. Imp.
Act, 22-23 V.
c. 35, s. 4.

26. The High Court shall have power to relieve against a forfeiture for breach of a covenant or condition in any lease to insure against loss or damage by fire, where no loss or damage by fire has happened, and the breach has, in the opinion of the court, been committed through accident or mistake, or otherwise without fraud or gross negligence, and there is an insurance on foot at the time of the application to the court in conformity with the covenant to insure, upon such terms as to the court may seem fit. R. S. O., 1887, c. 44, s. 25.

27. The court, where relief is granted, shall direct a record of such relief having been granted to be made by indorsement on the lease or otherwise. R. S. O., 1887, c. 44, s. 26.

When relief is granted, the same to be recorded. Imp. Act, 22-23 V. c. 35, s. 5

28. The preceding two sections shall be applicable in the case of leases for a term of years absolute, or determinable on a life or lives or otherwise, and also in the case of a lease for the life of the lessee or the life or lives of any other person or persons. R. S. O., 1887, c. 44, s. 27.

To what leases preceding provisions apply. Imp. Act 22-23 V. c. 35, s. 9.

29. In any action or proceeding in the High Court for partition or sale of the estate of joint tenants, tenants in common or co-parceners, where any of the persons interested in the lands whereof partition or sale is sought are unknown to the plaintiff, or have not been heard of for three years or upwards, the court shall have the same jurisdiction that, in proceedings under *The Partition Act*, it possesses for the purpose of binding the interests of such persons and dealing with the estate of such of them as by reason of long continued absence may reasonably be believed to be dead; and the like proceedings may be taken in such action or proceeding for the said purposes as might be taken upon a petition under the said Act; and every deed or vesting order made in any such action or proceeding shall have the same effect as a deed or vesting order made in proceedings under the said Act. R. S. O., 1887, c. 44, s. 28.

Jurisdiction in partition.

Rev. Stat. c. 104.

30. The High Court shall have jurisdiction to grant alimony to any wife who would be entitled to alimony by the law of England, or to any wife who would be entitled by the law of England to a divorce and to alimony as incident thereto, or to any wife whose husband lives separate from her without any sufficient cause and under circumstances which would entitle her, by the law of England, to a decree for restitution of conjugal rights; and alimony when granted shall continue until the further order of the court. R. S. O., 1887, c. 44, s. 29.

Jurisdiction in alimony.

31. An order or judgment for alimony may be registered in any registry office in Ontario, and the registration shall, so long as the order or judgment registered remains in force, bind the estate and interest of every description which the defendant has in any lands in the county or counties where the registration is made, and operate thereon in the same manner and with the same effect as the registration of a charge by the defendant of a life annuity on his lands. R. S. O., 1887, c. 44, s. 30.

Judgment for alimony may be registered and thus bind lands.

32. In every case in which the court has authority to order the execution of a deed, conveyance, transfer or assignment of any property, real or personal, the court

Vesting order, effect of.

may by order vest such real or personal estate in such person or persons, and in such manner, and for such estates, as would be done by any such deed, conveyance, assignment or transfer if executed; and thereupon the order shall have the same effect as if the legal or other estate or interest in the property had been actually conveyed, by deed or otherwise, for the same estate or interest, to the person in whom the same is so ordered to be vested, or in the case of a chose in action, as if such chose in action had been actually assigned to such last-mentioned person. R. S. O., 1887, c. 44, s. 31.

Jurisdiction of court of chancery in respect to settlement of estates of infants, and special cases.

33.—(1) The High Court shall have the same jurisdiction as the court of chancery in England had on the eighteenth day of March, 1865, in regard to enabling infants, with the approbation of the court, to make binding settlements of their real and personal estate on marriage; and in regard to questions submitted for the opinion of the court in the form of special cases on the part of such persons, as may by themselves, their committees or guardians, or otherwise, concur therein. R. S. O., 1887, c. 44, s. 32.

(2) Infants and persons of unsound mind (not so found), required to be served with notice of any application to the High Court, may be served by delivering to the official guardian *ad litem* a copy of the petition or other proceeding required to be served; and from the time of such service, the said official guardian shall be the guardian *ad litem* of the infant or person of unsound mind, unless and until the court or judge, otherwise orders; and the said official guardian, or any other guardian appointed by the court for the infant or person of unsound mind, shall take all such proceedings as he may think necessary for the protection of the interests of the infant or person of unsound mind in the proceeding in which he is so appointed guardian.

(3) In case there be more than one infant or person of unsound mind (not so found) for whom service is made on the official guardian *ad litem*, one copy only of the petition or other proceeding, need be so served, but the name of each person on whose behalf the official guardian is served, is to be stated on the copy served.

The court may try the validity of wills.

34. The High Court shall have jurisdiction to try the validity of last wills and testaments, whether the same respect real or personal estate, and whether probate of the will has been granted or not, and to pronounce such wills and testa-

ments to be void for fraud and undue influence or otherwise, in the same manner and to the same extent as the court has jurisdiction to try the validity of deeds and other instruments. R. S. O., 1887, c. 44, s. 33.

35. The High Court shall also have jurisdiction—

Jurisdiction.

1. In matters testamentary as provided in sections 30 to 32 inclusive of *The Surrogate Courts Act*. In matters testamentary. Rev. Stat. c. 50.
2. On any appeal from the judgment or decision of the commissioners under the *Act to prevent Trespasses to Public Lands*, as provided in the said Act. Appeals against judgment of commissioners under Rev. Stat. c. 29.
3. In respect of lunatics and infants and their property and estates, as provided by the *Act respecting Lunatics* and the *Act respecting Infants*. Lunatics and infants. Rev. Stat. cc. 53, 137.
4. In respect of guardians and trustees, as provided by the *Act respecting Infants*. Testamentary guardians. Rev. Stat. c. 137.
5. In respect of partition and sale of real estate as provided in *The Partition Act*. R. S. O., 1887, c. 44, s. 34. Partition. Rev. Stat. c. 104.

36. The High Court shall have, generally, all the jurisdiction which, prior to the 22nd day of August, 1881, was vested in, or capable of being exercised by, the Court of Queen's Bench, Court of Chancery, Court of Common Pleas, and courts of assize, oyer and terminer, and gaol delivery (whether created by commission or otherwise) and the High Court shall be deemed to be and shall be a continuation of the said courts respectively (subject to the provisions of this Act) under the said name of "The High Court of Justice for Ontario." R. S. O. 1887, c. 44, s. 35. General jurisdiction.

37. The jurisdiction of the High Court shall include (subject to the exceptions hereinafter contained) the jurisdiction which, at the commencement of this Act, was vested in, or capable of being exercised by the judges of the said courts respectively, sitting in court or chambers, or elsewhere, when acting as judges in pursuance of any statute or law; and all powers given to any such court, or to any such judges, by any statute; and also all ministerial powers, duties and authorities, incident to any and every part of the jurisdiction. R. S. O., 1887, c. 44, s. 36. Existing jurisdiction of judges continued.

38. Every judge of the High Court shall have, use and exercise all the rights, incidents and privileges of a judge of a court of record and all other rights, incidents and privileges Rights and privileges of judges.

as fully to all intents and purposes as the same were, prior to the 5th day of December, 1859, used, exercised or enjoyed by any of the judges of any of Her Majesty's superior courts of common law at Westminster. R. S. O., 1887, c. 44, s. 37.

A judge to sit in chambers.

39. The judges of the High Court shall, in rotation or otherwise as they may agree among themselves, sit in chambers or elsewhere, and there transact any such business as may be transacted by a single judge out of court, whether such business be in the division of the High Court to which such judge is attached or in another division, subject to the right of appeal as provided in this Act and the rules from time to time in force. R. S. O., 1887, c. 44, s. 38.

Anyone whilst acting as judge of assizes in Toronto, may act as judge in chambers.

40. Any person sitting or acting as judge at any assizes or sittings of the High Court for the trial of causes, matters, and issues, in the city of Toronto, may, while so sitting or acting as such judge, or while the assizes or sittings last, act as a judge in chambers in all matters as if he were a judge of the High Court. R. S. O., 1887, c. 44, s. 39.

Anyone sitting as judge of assize may, during sittings act as judge in chambers.

41. Any person acting as a judge at any assizes or sittings of the High Court for the trial of causes, matters and issues, may, in and for the county in which he is acting, and while the sittings of the said court last, act as a judge in chambers in all matters entered for trial before him, as if he were a judge of the High Court. R. S. O., 1887, c. 44, s. 40.

Jurisdiction to be exercised in name of high court.

42. The several jurisdictions vested in the said High Court, shall not be exercised except in the name of the said High Court as provided by this Act, save as otherwise in this Act provided. R. S. O., 1887, c. 44, s. 41.

Jurisdiction to be exercised according to rules of court.

43. The jurisdiction of the High Court of Justice and the Court of Appeal, respectively, shall be exercised (so far as regards procedure and practice) in the manner provided by this Act, or by rules and orders of court now in force or to be made pursuant to this Act; and where no special provisions are contained in this Act or in any such rules or orders with reference thereto, it shall be exercised as nearly as may be in the same manner as prior to the 22nd day of August, 1881. R. S. O., 1887, c. 44, s. 42.

JURISDICTION OF THE COURT OF APPEAL.

Jurisdiction of court of appeal.

44. The Court of Appeal shall be a superior court of record and shall have appellate jurisdiction in civil and criminal cases; and in civil cases shall have jurisdiction and power to hear and determine appeals from any judgment or order, save

as hereinafter mentioned, of the High Court, or of any judges thereof, subject to the provisions of this Act, and to such rules and orders of court for regulating the terms and conditions on which appeals shall be allowed, as are now in force or to be made pursuant to this Act. R. S. O., 1887, c. 44, s. 43.

45. The Court of Appeal shall also have jurisdiction in election cases, as provided by *The Voters' Lists Act*, *The Ontario Election Act* and *The Controverted Elections Act*. R. S. O. 1887, c. 44, s. 45. Jurisdiction in election cases.

46. The Court of Appeal shall have power to quash proceedings in cases brought before it, in which appeal does not lie, or where such proceedings are taken against good faith. R. S. O., 1887, c. 44, s. 46. May quash proceedings when.

47. The Court shall have power to dismiss an appeal, or give any judgment and make any decree or order which ought to have been made, and to direct the issue of any process, or the taking of any proceedings in the court below, or to award restitution and payment of costs, or to make such further or other order as the case may require. R. S. O. 1887, c. 44, s. 47. To make whatever order may be required.

48. The powers of the Court of Appeal may be exercised, notwithstanding that the appeal is brought against part only of the judgment of the court below; and may be exercised in favor of all or any of the respondents or parties, although such respondents or parties may not have appealed from, or complained of the judgment. R. S. O., 1887, c. 44, s. 48. Powers of court of appeal.

49. In any cause or matter pending before the Court of Appeal any direction incidental thereto, not involving the decision of the appeal, may be given by a single judge of the Court of Appeal; and a single judge of the Court of Appeal may at any time during vacation make any interim order to prevent prejudice to the claims of any parties pending an appeal, as he may think fit; but every such order made by a single judge may be discharged or varied by the Court of Appeal or a divisional court thereof. R. S. O., 1887, c. 44, s. 49. Power of a single judge in court of appeal.

50. For all the purposes of and incidental to the hearing and determination of any such appeal, and the amendment, execution, and enforcement of any judgment or order made on such appeal, and for the purpose of every other authority given to the Court of Appeal by this Act, the said Court of Appeal shall have all the power, authority and jurisdiction by this Act vested in the High Court. R. S. O., 1887, c. 44, s. 50. On an appeal from the high court, court of appeal to have all powers of high court.

Jurisdiction
subject to
rules, etc.

51. The jurisdiction and power of the Court of Appeal, in respect of the said matters and all others, shall be and are subject to the provisions of this Act, and to such rules and orders of court for regulating the terms and conditions on which such appeals shall be allowed as are now in force or as may be made pursuant to this Act. R. S. O., 1887, c. 44, s. 51.

RULES OF LAW.

Law and
equity to be
concurrently
administered.

52. In every civil cause or matter commenced in the High Court of Justice, law and equity shall be administered by the High Court and the Court of Appeal respectively according to the rules following :

1. If any plaintiff or petitioner claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title, or claim whatsoever asserted by any defendant or respondent in such cause or matter, or to any relief founded upon a legal right which heretofore could only have been given by a court of equity, the said courts respectively; and every judge thereof, shall give to such plaintiff or petitioner such and the same relief as ought to have been given by the court of chancery in a suit or proceedings for the same or the like purposes properly instituted before the passing of *The Ontario Judicature Act 1881*.

Jurisdiction
as to validity
of provincial
statute.

2. The High Court shall have jurisdiction to entertain an action at the instance of either the Attorney-General for the Dominion, or the Attorney-General of this Province for a declaration as to the validity of any statute, or any provision in any statute of this Legislature, though no further relief should be prayed or sought; and the action shall be deemed sufficiently constituted if the two officers aforesaid are parties thereto. A judgment in the action shall be appealable like other judgments of the said court. (See sec. 55.)

Relief against
penalties, etc.

3. (Subject to appeal as in other cases,) the High Court shall have power to relieve against all penalties, forfeitures and agreements for liquidated damages, and in granting such relief to impose such terms as to costs, expenses, damages, compensation and all other matters as the court thinks fit

Appointment
under power.

4. No appointment, which after the 25th day of March, 1886, is made in exercise of a power to appoint any property, real or personal, among several objects, shall be adjudged to be invalid on the ground that any object of the power has been altogether

excluded,

excluded, and an appointment shall be valid and effectual notwithstanding that one or more of the objects shall not thereby or in default of appointment take a share or shares of the property which is subject to the power.

But nothing in this sub-section shall prejudice or affect any provision in any deed, will, or other instrument creating a power, which shall declare the amount or the share or shares from which no object of the power shall be excluded, or shall declare some one or more object or objects of the power who shall not be excluded.

5. No action or proceeding shall be open to objection on the ground that a merely declaratory judgment or order is sought thereby, and the court may make binding declarations of right, whether any consequential relief is or could be claimed or not. 48 V. c. 13, s. 5. Declaratory judgments and orders.

6. If any defendant claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title or claim asserted by any plaintiff or petitioner in such cause or matter, or alleges any ground of equitable defence to any claim of the plaintiff or petitioner in such cause or matter, the said courts respectively, and every judge thereof, shall give to every equitable estate, right, or ground of relief so claimed, and to every equitable defence so alleged, such and the same effect, by way of defence against the claim of such plaintiff or petitioner, as the court of chancery ought to have given if the same or the like matters had been relied on by way of defence in any suit or proceedings instituted in that court for the same or the like purposes before the passing of *The Ontario Judicature Act 1881*. Equitable claims.

7. The said courts respectively, and every judge thereof, shall also have power to grant to any defendant in respect of any equitable estate or right, or other matter of equity, and also in respect of any legal estate, right or title claimed or asserted by him, all such relief against any plaintiff or petitioner as such defendant shall have properly claimed by his pleading, and as the said courts respectively, or any judge thereof, might have granted in any suit instituted for that purpose by the same defendant against the same plaintiff or petitioner; and also all such relief relating to or connected with the original subject of the cause or matter, and in like manner claimed against any

other

other person; whether already a party to the same cause or matter or not, who shall have been duly served with notice in writing of such claim pursuant to any rule of court or any order of the court, as might properly have been granted against such person if he had been made a defendant to a cause duly instituted by the same defendant for the like purpose; and every person served with any such notice shall thenceforth be deemed a party to such cause or matter, with the same rights in respect of his defence against such claim, as if he had been duly sued in the ordinary way by such defendant.

8. The said courts respectively, and every judge thereof shall recognize and take notice of all equitable estates, titles, and rights, and all equitable duties and liabilities appearing incidentally in the course of any cause or matter, in the same manner in which the court of chancery would have recognized and taken notice of the same in any suit or proceedings duly instituted therein before the passing of *The Ontario Judicature Act, 1881*.

Restraining
causes.

9. No cause or proceeding at any time pending in the High Court of Justice, or before the Court of Appeal, shall be restrained by prohibition or injunction; but every matter of equity on which an injunction against the prosecution of any such cause or proceeding might have been obtained, prior to *The Ontario Judicature Act 1881*, either unconditionally or on any terms or conditions, may be relied on by way of defence thereto:

Provided always, that nothing in this Act contained shall disable either of the said courts from directing a stay of proceedings in any cause or matter pending before it, if it shall think fit; and any person, whether a party or not to any such cause or matter, who would have been entitled, prior to *The Ontario Judicature Act 1881*, to apply to any court to restrain the prosecution thereof, or who may be entitled to enforce, by attachment or otherwise, any judgment, decree, rule, or order, contrary to which all or any part of the proceedings in such cause or matter may have been taken, shall be at liberty to apply to the said courts respectively, by motion in a summary way, for a stay of proceedings in such cause or matter either generally, or so far as may be necessary for the purposes of justice; and the court shall thereupon make such order as shall be just.

10. If any action is brought in the High Court for any cause of action for which any suit or action has been brought and is pending between the same parties or their representatives in any place or country out of Ontario, the court or any judge thereof may make an order to stay all proceedings in the High Court until satisfactory proof is offered to the court or judge, that the suit or action so brought in such other place or country out of Ontario is determined or discontinued.
11. Subject to the aforesaid provisions for giving effect to equitable rights and other matters of equity in manner aforesaid, and the other express provisions of this Act, the said courts respectively, and every judge thereof, shall recognize and give effect to all legal claims and demands, and all estates, rights, duties, obligations and liabilities existing by the common law or created by any statute, in the same manner as the same would have been recognized and given effect to, prior to *The Ontario Judicature Act 1881*, by any of the courts then existing and whose jurisdiction is now vested in the High Court.
12. The High Court of Justice and the Court of Appeal respectively, in the exercise of the jurisdiction vested in them by this Act in every cause or matter pending before them respectively, shall have power to grant, and shall grant, either absolutely or on such reasonable terms and conditions as to them shall seem just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any and every legal or equitable claim properly brought forward by them respectively in such cause or matter; so that, as far as possible, all matters so in controversy between the said parties respectively may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided. R. S. O., 1887, c. 44, s. 52, (1) to (12).
53. The law to be administered in Ontario, as to the matters next hereinafter mentioned, shall be as follows:
1. No claim of a *cestui que trust* against his trustee for any property held on an express trust, or in respect of any breach of such trust, shall be held to be barred by any Statute of Limitations.
 2. An estate for life without impeachment of waste shall not confer or be deemed to have conferred upon the tenant for life any legal right to commit waste of the description known as equitable waste, unless an intention
- Stay of proceedings if action for same cause is pending out of Ontario.
- Giving effect to legal claims.
- Multiplicity of proceedings to be avoided. All matters in controversy to be determined in one proceeding.
- Rules of law upon certain points.
- Statutes of Limitation not to apply to express trusts.
- Equitable waste.

intention to confer such right shall expressly appear by the instrument creating such estate.

Merger.

3. There shall not be any merger by operation of law only of any estate, the beneficial interest in which would not prior to *The Ontario Judicature Act 1881*, have been deemed merged or extinguished in equity.

Actions for possession of land by mortgagors.

4. A mortgagor entitled for the time being to the possession or receipt of the rents and profits of any land as to which no notice of his intention to take possession or to enter into the receipt of the rents and profits thereof shall have been given by the mortgagee, may sue for such possession, or sue or distrain for the recovery of such rents or profits, or to prevent or recover damages in respect of any trespass or other wrong relative thereto, in his own name only, unless the cause of action arises upon a lease or other contract made by him jointly with any other person, and in that case he may sue or distrain jointly with such other person.

Assignment of debts and choses in action.

5. In case of an assignment of a debt or other chose in action, if the debtor, trustee, or other person liable in respect of the debt or chose in action shall have had notice that such assignment is disputed by the assignor or any one claiming under him, or of any other opposing or conflicting claims to such debt or chose in action, he shall be entitled, if he think fit, to call upon the several persons making claim thereto to interplead concerning the same, or he may, if he think fit, pay the same into the High Court under and in conformity with the provisions of law for the relief of trustees.

Stipulations not of the essence of contracts.

6. Stipulations in contracts, as to time or otherwise, which would not before the passing of *The Ontario Judicature Act 1881*, have been deemed to be or to have become of the essence of such contracts in a court of equity, shall receive in all courts the same construction and effect as they would, prior to the passing of said Act, have received in equity.

Satisfaction of obligations by performance in part.

7. Part performance of an obligation, either before or after a breach thereof, when expressly accepted by the creditor in satisfaction, or rendered in pursuance of an agreement for that purpose, though without any new consideration, shall be held to extinguish the obligation.

Injunctions and receivers.

8. A mandamus or an injunction may be granted or a receiver appointed by an interlocutory order of the court, in all cases in which it shall appear to the

court

court to be just or convenient that such order should be made; and any such order may be made either unconditionally, or upon such terms and conditions as the court shall think just; and if an injunction is asked, either before, or at, or after the hearing of any cause or matter, to prevent any threatened or apprehended waste or trespass, such injunction may be granted, if the court shall think fit, whether the person against whom such injunction is sought is or is not in possession under any claim of title or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under any color of title; and whether the estates claimed by both or by either of the parties are legal or equitable.

9. In all cases in which the court has jurisdiction to entertain an application for an injunction against a breach of any covenant, contract or agreement or against the commission or continuance of any wrongful act, or for the specific performance of any covenant, contract, or agreement, the court, if it thinks fit, may award damages to the party injured either in addition to or in substitution for such injunction or specific performance, and such damages may be ascertained in such manner as the court may direct, or the court may grant such other relief as it may deem just.

Court may award damages, &c.

10. An order of the court under any statutory or other jurisdiction shall not, as against a purchaser, whether with or without notice be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice, or service.

Purchaser not affected by irregularities in orders of court.

11. In questions relating to the custody and education of infants, the rules of equity shall prevail.

12. Generally in all matters not hereinbefore particularly mentioned, in which there is any conflict or variance between the rules of equity and the rules of the common law with reference to the same matter, the rules of equity shall prevail. R. S. O., 1887, c. 44, s. 53 (1)-(12)

Cases of conflict not mentioned.

54. The several rules of law enacted and declared by this Act shall be in force and receive effect in all courts whatsoever in Ontario, so far as the matters to which such rules relate shall be respectively cognizable by such courts R. S. O., 1887, c. 44 s. 54.

Rules of law to apply to all courts.

55.—(1) When in any action or other civil proceeding, the constitutional validity of any Act of the Parliament of Canada or of the Legislature of Ontario comes into question,

Notice to be given to Minister of Justice and

the

Attorney-General of Ontario before any Act is declared invalid.

the same shall not be adjudged to be invalid until after notice thereof has been served on the Minister of Justice and the Attorney-General of Ontario, or at their offices respectively.

(2) The notice in such case shall be entitled in the cause; shall state what the Act or section of an Act is which is in question, and the day on which the case or the said question is to be argued; and shall give such other particulars as are necessary to show the constitutional point proposed to be argued.

(3) The notice shall be served six days before the day of the argument unless a judge authorizes a shorter notice.

(4) Upon every such question the said Minister of Justice and the said Attorney-General shall be entitled as of right to be heard, either in person or by counsel, notwithstanding that the Crown is not a party to the action or proceeding. R. S. O., 1887, c. 44 s. 55.

SITTINGS AND DISTRIBUTION OF BUSINESS.

Abolition of terms.

56. The legal year shall not be divided into terms so far as relates to the administration of justice; and there shall not be terms applicable to any sitting or business of the High Court, or of any commissioners to whom any jurisdiction may be assigned under this Act, or of any commissioners of assize; but in all cases in which, under the law existing prior to the 22nd day of August, 1881, the terms into which the legal year was divided were used as a measure for determining the time at or within which any act was required to be done, the same may continue to be referred to for the same or the like purpose, unless and until provision is otherwise made by any lawful authority. R. S. O., 1887, c. 44 s. 56.

Sittings of courts.

57.—(1) Subject to rules of court, the High Court of Justice, and the Court of Appeal, and the judges thereof respectively, or any such commissioners as aforesaid, shall have power to sit and act at any time and at any place, for the transaction of any part of the business of such courts respectively, or of such judges or commissioners, or for the discharge of any duty which by any statute, or otherwise, is required to be discharged.

Where divisional sittings to be held.

(2) Subject to the preceding provision the divisional sittings of the High Court shall be held at the city of Toronto. R. S. O., 1887, c. 44, s. 57.

Vacations.

58. The Lieutenant-Governor in Council may from time to time, upon any report or recommendation of the council of judges of the Supreme Court hereinafter mentioned, make, revoke or modify, orders regulating the vacations to be observed

by

by the High Court of Justice and the Court of Appeal, and in the offices of the said courts respectively; and any Order in Council made pursuant to this section shall, so long as it continues in force, be of the same effect as if it were contained in this Act; and rules of court may be made for carrying the same into effect in the same manner as if such Order in Council were part of this Act. R. S. O., 1887, c. 44, s. 58.

59. Commissions of assize or any other commissions, either general or special, may be issued, by the proper authority, assigning to the persons to be therein named, the duty of trying and determining within any place or district specially fixed for that purpose by such commission, any causes or matters, or any questions or issues of fact or of law, or partly of fact and partly of law, in any cause or matter, depending in the said High Court; or the exercise of any civil or criminal jurisdiction capable of being exercised by the said High Court; and any commission so issued shall be of the same validity as if it were enacted in the body of this Act; and any commissioner or commissioners shall, when engaged in the exercise of any jurisdiction so assigned to him or them, be deemed to constitute a court of the said High Court. R. S. O., 1887, c. 44, s. 59.

Commissions of assize and other commissions.

60.—(1) Every action and proceeding in the High Court and all business arising out of the same, except as hereinafter provided, shall, so far as is practicable and convenient, be heard, determined, and disposed of, before a single judge.

Business to be disposed of by one judge as far as practicable.

(2) A judge sitting elsewhere than in a divisional court, is to decide all questions coming properly before him, and is not to reserve any case, or any point in a case, for the consideration of a divisional court.

(3) In all such cases any judge sitting in court shall be deemed to constitute a court. R. S. O., 1887, c. 44, s. 61.

61.—(1) All business which may from time to time be so ordered by rules of court shall be transacted and disposed of by divisional courts of the High Court, which shall for that purpose exercise all or any part of the jurisdiction of the said High Court. R. S. O. 1887, c. 44, s. 62 (1).

Divisional courts of the high court.

62. Subject to rules of court, the following proceedings and matters shall be heard and determined before a divisional court of the High Court; but nothing herein contained shall be construed so as to take away or limit the power of a single judge to hear and determine any such proceedings or matters in any case in which he has heretofore had power to do so,

Other matters to be heard before divisional court.

or so as to require any interlocutory proceedings therein heretofore taken before a single judge to be taken before a divisional court :—

When statute declares decision of court to be final.

Habeas corpus cases.

Applications for new trials in jury cases.

By agreement of parties.

- (1) Proceedings directed by any statute to be taken before the court in which the decision of the court is final.
- (2) Cases of *habeas corpus* in which the judge directs that a motion for the writ, or the writ, be made returnable before a divisional court.
- (3) Application for new trials in the High Court where the action has been tried with a jury.
- (4) Other cases where all parties agree to the same being heard before a divisional court.

Divisional courts to be divisional courts of High Court.

63. The Queen's Bench, Chancery, and Common Pleas Divisions of the High Court shall not sit or give judgments as such Divisions (except for the purposes of the Criminal Code, 1892); and there shall not be divisional courts of any of the said Divisions; but the divisional courts shall be divisional courts of the High Court, without reference to the said divisions.

Sittings of divisional courts.

64.—(1) There shall be a sitting of a divisional court of the High Court every month, except during the long vacation, and such sitting shall begin on the first Monday of the month unless the first Monday is a holiday or is in any vacation; and in any such excepted case the sitting shall begin on the first juridical day thereafter.

(2) Every monthly sitting shall continue from day to day until all the business thereof is disposed of.

65. A divisional court of the High Court may sit oftener than monthly, and two or more divisional courts of the High Court may sit at the same time, whenever, in the opinion of a majority of the judges of the High Court, the same is necessary for the due despatch of business. R. S. O., 1887, c. 44, s. 62 (2).

Divisional courts, how composed.

66. Every divisional court of the High Court shall be composed of three judges.

(2) No judge shall sit as a judge on the hearing of an appeal from any judgment or order made by himself; but subject to this provision every judge of the High Court shall be qualified and empowered to sit in any of such divisional courts. R. S. O., 1887, c. 44, s. 62 (4).

(3) The judges of the High Court or a majority of them may arrange in what order the judges of the High Court shall hold the said sittings.

(4) If no arrangement is made, or subject to any arrangement so made, the presiding judge shall wherever practicable be a President of one of the Divisions of the High Court ; and the presidents shall preside at the said monthly sittings successively in order of their seniority ; and two other judges of the High Court in rotation and in order of seniority shall be associated with one of the said presidents in holding every such sittings.

(5) When the president of a division is not present, the president of every such divisional court of the High Court shall be the senior judge of those present, according to the order of their precedence under this Act or otherwise. R. S. O., 1887, c. 44, s. 62

(6) Nothing in this Act is to be construed as preventing any judge from sitting in a divisional court by mutual arrangement, or in the absence of the judge whose turn it may be to sit ; and nothing in this Act is to be construed as making irregular any sitting or any proceeding thereat by reason of the court not being constituted as hereinbefore mentioned, provided that the sitting is held by the proper number of judges, not including the judge from whose judgment or order an appeal is heard.

(7) Where a judge has heard a case in a divisional court and is not present at the time of the judgment being delivered, his written judgment may be read by one of the other judges of such divisional court, and shall have the same effect as if he were present.

67.—(1) Subject to any rules of court, it shall be the duty of every judge of the High Court who shall not for the time being be occupied in the transaction of any business specially assigned to him, or in the business of any other divisional court, to take part, if required, in the sittings of such divisional courts as may from time to time be deemed necessary for the transaction of the business of the High Court.

Judges to
take part in
business of
any division.

(2) All such arrangements as may be necessary or proper for that purpose, or for constituting or holding any divisional courts of the said High Court for any other purpose authorized by this Act, and also for the proper transaction of that part of the business of the said divisions respectively which ought to be transacted by one or more judges not sitting in a divisional court, shall be made from time to time under the direction and superintendence of the judges of the said High Court ; and in case of difference among them, in such manner as a majority of the said judges shall determine. R. S. O., 1887, c. 44, s. 64.

APPEALS.

Orders not
subject to
appeal.

68. No order made by the High Court or any judge thereof, by the consent of parties, or as to costs only which by law are left to the discretion of the court, shall be subject to any appeal, except by leave of the court or judge making such order. R. S. O., 1887, c. 44, s. 65.

Appeals from
interlocutory
orders.

69. There shall be no appeal to a divisional court from any interlocutory order, whether made in court or chambers, in case prior to *The Ontario Judicature Act 1881*, there would have been no relief from a like order by an application to a superior court; and there shall be no appeal to the Court of Appeal from any interlocutory order in case prior to *The Ontario Judicature Act 1881*, there would have been no relief from a like order by an appeal to the Court of Appeal. Any doubt which may arise as to what orders, or judgments, are interlocutory, shall be determined by the Court of Appeal. R. S. O., 1887, c. 44, s. 68.

Only one
appeal to be
allowed.

70. After this Act goes into force there shall not be more than one appeal in this Province from any judgment or order made in any action or matter; save only at the instance of the Crown in a case in which the Crown is concerned; and save in certain other cases hereinafter specified.

Appeals to a
divisional
court.

71. Subject to section 69 of this Act, an appeal shall lie to a divisional court of the High Court, instead of as heretofore provided by any statute or rule of court, in the following cases:

Orders of
judge in
chambers,
masters,
local judges,
etc.

(1) From judgments or orders made in actions or matters in the High Court by a judge in chambers, and from judgments or orders made by the master in ordinary, the master in chambers, a local judge, a district judge, a stipendiary magistrate, or a local master;

Reports of
masters and
referees.

(2) From the certificates or reports of masters and official referees;

Order of single
judge.

(3) From any judgment or order of a judge of the High Court in court;

Under Rev.
Stat. c. 47.

(4) From county and district courts, as provided in *The County Courts Act*;

Under Rev.
Stat. c. 50, 137.

(5) From surrogate courts or a surrogate judge, as provided in *The Surrogate Courts Act* and *The Act respecting Infants*;

Under Rev.
Stat. c. 57.

(6) From division courts, as provided in *The Division Courts Act*;

From district
courts under
Rev. Stat. c.
91.

(7) From provisional judicial district courts, as provided in *The Unorganized Territories Act*;

- (8) From stipendiary magistrates, as provided in section 31 of *The Unorganized Territories Act*; Under Rev. Stat. c. 91.
- (9) From a judge of a county court upon an appeal from a conviction or order arising out of or under *The Liquor License Act*, as provided in the said Act; Under Rev. Stat. c. 194.
- (10) From a judge of a county court, as provided in *The Act respecting Water Privileges*; Under Rev. Stat. c. 119.
- (11) From a judge of a county court, or stipendiary magistrate, as provided in the *Act respecting the public interests in Rivers, Streams and Creeks*. Under Rev. Stat. c. 120.
- (12) From a judge of a county court as provided by *The Act respecting Over-holding Tenants*. Under Rev. Stat. c. 144.

APPEALS TO THE COURT OF APPEAL.

72. Subject to the exceptions and provisions contained in this Act, an appeal shall lie to the Court of Appeal from every judgment, order or decision of the High Court whether the judgment, order or decision was that of a divisional court or of a judge in court, and including cases tried with a jury where the appellant complains of the judgment and asks in the alternative for a new trial. When appeal to lie to Court of Appeal.

73.—(1) No appeal shall lie from any judgment or order of a divisional court, except as hereinafter provided. No appeal to lie from divisional court.

(2) In case, after this Act goes into effect, a party appeals to a divisional court of the High Court in a case in which an appeal lies to the Court of Appeal, the party so appealing shall not be entitled to afterwards appeal from the said divisional court to the Court of Appeal, but any other party to the action or matter may appeal to the Court of Appeal from the judgment or order of the divisional court. Party appealing to divisional court not to appeal, but other parties may.

(3) In other cases, an appeal to the Court of Appeal shall not lie from a judgment or order of a divisional court pronounced on an appeal to such divisional court except by special leave first obtained upon an application to such divisional court, or the judge whose judgment or order is in question, or to the Court of Appeal or a judge thereof. Appeal on special leave to court of appeal.

(4) The granting or refusing of such leave shall be in the discretion of the court or judge applied to therefor, in view of all the circumstances; and in case of such leave being granted, such terms and conditions may be imposed as the court or judge Powers of court or judge on application for leave to appeal.

sees fit; but such leave shall not be granted unless, besides being in the opinion of the court or judge a proper case for the granting of the leave, the case falls within one or more of the following cases, that is to say:

Where the matter in controversy on the proposed appeal exceeds the sum or value of \$1,000 exclusive of costs; or involves indirectly or otherwise that sum or value; or involves the validity of a patent; or where the judgment or order involves a question of law or practice on which there have been conflicting decisions or opinions by the High Court of Justice, or by judges thereof; or where a judgment or order is in regard to a matter of practice, but affects the ultimate rights of parties to the action to the extent of the said sum or value; or where there are other sufficient special reasons for treating the case as exceptional and allowing a further appeal.

LIMITATION OF TIME FOR APPEALING.

Time within which appeals from judgments or decretal orders must be brought to a hearing.

74. Subject to the provisions of this Act all appeals from a judgment, decision, rule or decretal order of the High Court, shall be brought to hearing within one year after the giving of the judgment, decision, rule or order, or within such further time as the Court of Appeal may allow. R. S. O., 1887, c. 44, s. 73.

Time within which appeals from interlocutory orders must be brought to a hearing.

75. If the appeal is from an interlocutory order, not being a decretal order, then the appellant shall bring the same to a hearing within six months from the pronouncing of the same, or within such further time as may be allowed for the purpose by the Court of Appeal, upon special grounds shown to the satisfaction of the court or judge granting the same. R. S. O., 1887, c. 44, s. 74.

Time to be reckoned from the judgment or order becoming absolute.

76. The time limited for appealing from a judgment or order, which under any general orders of the Court of Chancery still remaining in force, does not become absolute upon the same being pronounced, shall be computed from the time when the same does become absolute. R. S. O., 1887, c. 44, s. 75.

SECURITY FOR COSTS OF APPEAL.

Security for costs not to be required unless ordered.

77. On an appeal to the Court of Appeal, from any court or judge, or on an appeal from a single judge or from a county court or county court judge to a divisional court of the High Court, no security shall be required for costs or damages, unless such security is specially ordered by the court to which the appeal is made or a judge thereof.

PROCEDURE OF COURT OF APPEAL.

78—(1) An appeal to the Court of Appeal shall be by notice of motion setting forth the grounds of the appeal, and such notice shall be given, and the appeal shall be set down, for the first day of the sitting of the Court of Appeal commencing after the expiration of one month from the date on which judgment has been signed, or for such later day in any case as the Court of Appeal or a judge thereof may allow. The notice shall be served within one month after the judgment complained of, or within such further time as the Court of Appeal or a judge thereof may allow.

Notice of motion, setting down appeal.

(2) In case of such notice of appeal being so given and the appeal set down as aforesaid, and notice thereof, signed by the registrar of the Court of Appeal, being given to the sheriff where a writ of execution is in his hands, the execution of the judgment or order appealed from shall be stayed pending the appeal, unless otherwise ordered by the court or judge appealed from or by the court to which the appeal is made or a judge thereof; and the order may be on such terms as the court or judge applied to thinks fit.

(3) Printed appeal books shall not be necessary; but the court appealed from or a judge thereof, or the court of appeal or a judge thereof, may for special reasons order the printing of any documents, proceedings or other papers in any case for the use of the court; or the same may be printed by consent of the parties interested in the appeal.

Printed appeal books not necessary.

(4) In the case of the same being printed without any order or consent, the party printing shall in any event bear the costs thereof, so far as the same exceed the cost of necessary typewritten copies.

Cost of unnecessary printing.

EFFECT OF JUDICIAL DECISIONS.

79.—(1) The decision of a divisional court of the Court of Appeal on a question of law or practice shall, unless overruled or otherwise impugned by a higher court, be binding on the Court of Appeal and all divisional courts thereof, as well as on all other courts and judges and shall not be departed from in subsequent cases without the concurrence of the judges who gave the decision, unless and until so overruled or impugned.

Decision of divisional court of court of appeal to bind court of appeal and all divisions thereof.

(2) It shall not be competent for the High Court or any judge thereof in any case arising before such court or judge to disregard or depart from a prior known decision of any court or judge of co-ordinate authority on any question of law or practice without the concurrence of the judges or judge who gave the decision; but if a court or judge deems the decision previously given to

Decision of court of co-ordinate authority to be binding.

be wrong and of sufficient importance to be considered in a higher court, such court or judge may refer the question to such higher court.

SITTINGS FOR TRIALS.

Sittings for
trial of causes.

80.—(1) Subject to rules of court, as often in every year as the due despatch of business and the public convenience may require there shall be sittings of the High Court at every county town for the trial of causes, matters and issues, whether legal or equitable, in all divisions of the High Court, which are to be heard and determined by a judge without a jury, and also for the trial of causes, matters and issues in all divisions of the High Court which are to be tried with a jury, and for the trial of criminal matters and proceedings; and in case such first mentioned sittings are appointed at any county town for the same time and before the same judge as jury cases, separate lists shall be made of the jury and non-jury cases, and the jury cases shall first be disposed of, unless the judge sees fit to direct otherwise.

(2) The judges of the Supreme Court of Judicature, or a majority of them, shall appoint the days upon which such sittings shall be held. R. S. O., 1887, c. 44, s. 89.

Judges to
appoint days
for holding
courts of
assize.

81.—(1) Subject to rules of court, not less than two of such sittings shall be held at the county town of every county and union of counties in each year. R. S. O., 1887, c. 44, s. 90 (1).

Sault Ste.
Marie, Port
Arthur, Rat
Portage.

(2) Two of such sittings shall ordinarily be held in each year at Sault Ste. Marie, Port Arthur and Rat Portage respectively, on such days as may from time to time be appointed therefor by the judges of the Supreme Court of Judicature, or a majority of them, but if the said judges, on inquiry, ascertain on any occasion that any of such sittings are not required for the administration of justice, it shall not be necessary to appoint a day for holding the same. 56 V. c. 11, s. 3.

(a) No such sitting is to be held in long vacation. 56 V. c. 11, s. 3 (2).

York.

(3) In the county of York, there shall in every year be held at the county town of such county not less than three of such sittings, and also a fourth such sittings, unless the same is required for the administration of justice, but if the said judges, on inquiry, ascertain that such fourth sittings for any year is not required for the administration of justice, it shall not be necessary to hold the same or to appoint a day for holding the same. R. S. O., 1887, c. 44, s. 90 (3); 57 V. c. 19, s. 1.

(4) In the county town of the counties of Carleton, Wentworth and Middlesex, there shall, in every year, be held at each of the county towns of said counties not less than three of such sittings. 53 V. c. 15, s. 1.

(5) In addition to the regular sittings to be held under subsection 1 of this section, a third such sittings may be appointed if the judges of the Supreme Court, or a majority of them, shall see fit for the trial of civil causes, matters and issues and criminal matters and proceedings, or of civil causes, matters and issues only, to be held at the county town of any county in the Province. R. S. O., 1887, c. 44, s. 90, (4), (5).

82. The judges of the Supreme Court may appoint sittings of the High Court in any county in the Province, as often and at such times as they see fit, for the trial of causes which are to be tried by a judge without a jury. R. S. O., 1887, c. 44, s. 91.

Judges may appoint sittings in any county for issues to be tried without a jury.

83. The sittings of the High Court for the trial of civil causes, matters and issues in any county may, in the discretion of the judges appointing the days therefor, or of the judge who has been appointed to preside or is presiding thereat, be held separate and apart from the sittings for the trial of criminal matters and proceedings, either on the same day or on a different day. R. S. O., 1887, c. 44, s. 92.

Separate sittings for civil and criminal matters.

84. Such sittings may, at the discretion of the court or of the judge who is to hold the same, be held in the court house of the county town in which the same are appointed to be held, or in such other place in the county town as the judge selects; and the judge shall in all respects have the same authority as a judge formerly had when sitting at nisi prius in regard to the use of the court house, gaol and other buildings or apartments set apart in the county for the administration of justice. R. S. O., 1887, c. 44, s. 93.

Place in county towns where court to be held.

85.—(1) Such sittings shall be presided over by one of the judges of the Supreme Court; or in their absence by a retired judge of the Supreme Court or by a judge of any county court in Ontario, or by one of Her Majesty's counsel learned in the law appointed for Upper Canada, or for the Province of Ontario, upon such judge or counsel being requested by a judge of the Supreme Court to attend for that purpose.

Who may preside.

(2) Such judge or counsel while holding the sitting shall possess, exercise and enjoy all the powers and authorities of a judge of the High Court, and in civil proceedings may reserve the giving of his decision on questions raised at the trial; and such decision shall have the like force and effect as the decision of a judge of the High Court. R. S. O., 1887, c. 44, s. 94.

Course to be pursued by the sheriff if the judge of assize does not arrive on the day appointed for opening court.

86. Where the judge whose duty it is to hold any sittings of the High Court for the trial of civil causes, matters and issues and for the trial of other matters and proceedings within the jurisdiction of the Provincial Legislature, does not arrive in time, or is not able to open such court on the day appointed for that purpose, the sheriff of the county in which such court should be holden, or, in his absence, his deputy, may, after the hour of six of the clock in the afternoon of such day, adjourn by his proclamation, the court which should have been opened on that day, to an hour on the following day to be by him named, and so from day to day until the judge arrives to open such court, or until such sheriff receives other direction from the judge in that behalf. R. S. O. 1887, c. 44, s. 95; 52 V., c. 10, s. 3.

Sittings to commence at one o'clock in the afternoon.

87. No such sittings of the High Court for the trial of causes, matters and issues shall open earlier than one of the clock in the afternoon on the first day of the sittings, but this shall not prevent a non-jury trial from being begun before one of the clock with the consent of the parties and of the judge. 57 V., c. 20, s. 12.

Hours for sittings.

(2) No such sittings shall begin before nine o'clock in the forenoon, nor, except for special reasons, extend beyond seven o'clock in the evening, with at least a half-hour's intermission at or near noon. An irregularity under this section shall not render any trial or other proceeding void.

Entering non-jury actions for trial.

88. All non-jury actions in any county may be entered for trial at any sittings of the High Court in such county, except in the county of York.

General docket after sittings of high court or assizes.

89. At the sittings of the High Court or assizes in any county town there shall be a general docket in addition to the docket of cases entered for trial, and such general docket may include all motions, petitions, proceedings and other matters which may be heard by a judge in court or in chambers in the cases following, namely: where the solicitors consent, or where the matter in controversy arose in the county, or where the party, opposing or showing cause in the matter, or his solicitor, resides in the county. Such general docket shall be disposed of after the trial of causes. R. S. O., c. 51, s. 81.

TRIAL OF SUPERIOR COURT CASES IN COUNTY COURTS, AND COUNTY COURT CASES BEFORE HIGH COURT.

Certain cases in high court may be tried in the county court of the county in which the venue is laid.

90.—(1) All issues of fact and assessments of damages in the High Court relating to debt, covenant and contract, where the amount is liquidated or ascertained by the signature of the defendant, may be tried and assessed in the county court of

the

the county where the trial is to take place, if the plaintiff desires it, unless a judge of the High Court otherwise orders, and upon such terms as he deems meet.

(2) In such case the action shall be entered for trial, notice of trial shall be given, and the trial take place in the same way as in ordinary cases in such county court.

(3) In any action in the High Court, in which the amount of the demand is ascertained by the signature of the defendant, and in any action for any debt in which a judge of the said High Court is satisfied that the case may safely be tried in a county court, any judge of the High Court may order that such case shall be tried in the county court of the county where such action was commenced, and such action shall be tried there accordingly, and the record shall be made up as in other cases; and the order directing the case to be tried in the county court shall be left with the clerk of the county court on entering the action for trial, annexed to the certified copy of the pleadings for the judge; and the trial shall take place in the same way as in ordinary cases in such county court. R. S. O., 1887, c. 44, s. 96.

Certain cases in the high court may be sent to be tried at the county court of the county in which the action is brought.

Proceedings in such case

91.—(1) By the order of a judge of the High Court, made upon such terms as the judge may consider just, the issues of fact and assessment of damages in any action pending in a county court may be tried and assessed at the sittings of the High Court at any county town.

By order county court cases may be tried at high court sittings.

(2) In such cases the action shall be entered and the case tried as in ordinary cases. R. S. O., 1887, c. 44, s. 97.

92. Where any such cause is referred by the presiding judge at such sittings, the county court in which the action is brought, and the judge thereof, shall have the same power to enforce any award, report or certificate made on the reference, and to make rules and orders upon appeals therefrom and motions relating thereto, as if the order referring the case had been made by the county judge. R. S. O., 1887, c. 44, s. 98.

Powers of county court.

93. The clerks of the several county courts shall provide books in which the judges presiding at the sittings of the High Court, where cases brought in any county court are tried or assessed under this Act, may enter their notes of such trials and assessments; and such books, immediately after the trials or assessments, shall be returned to the said clerks and shall remain in their offices. R. S. O., 1887, c. 44, s. 99.

Books for judge's notes of trial, etc.

94. The jury fees and the fees and charges payable and pertaining to officers of the county courts, upon all actions or proceedings brought in the county courts, and tried or as-

Fees to officers.

sessed in the High Court, shall be chargeable and paid as if the same were being tried or assessed in the county courts; and no other fees shall be chargeable thereon, and the clerk of a county court shall be entitled to receive and take such part thereof as pertains to him, to his own use. R. S. O., 1887, c. 44, s. 100.

WEEKLY SITTINGS AT OTTAWA AND LONDON.

Sittings of
high court at
Ottawa and
London.

95. Subject to rules of court under the next following section sittings of the High Court of Justice shall be held at Ottawa and London respectively at least one day in each week except during the long and Christmas vacations; and all proceedings in any action or matter in the said court which may be heard and disposed of before a single judge in court, or by a judge in chambers (not including such proceedings as may in the first instance be heard and disposed of by the master in chambers or local judge), may be heard and determined at such weekly sittings in the cases following:

Matters which
may be heard
at such
sittings.

(1) Where the solicitors for all parties reside in the county in which the sittings are held;

(2) Or where such solicitors who do not so reside shall consent in writing under their hands, to the proceeding being heard at the said sitting;

(3) Or where such solicitors as do not so reside or so consent as aforesaid shall have registered their names in the book to be kept as hereinafter provided;

(4) Or where the solicitors for all parties are so resident or consent as aforesaid with the exception of the solicitor for the party on whose behalf and at whose instance the proceeding is being taken;

(5) Or where the party making and entitled to make an *ex parte* motion sees fit to make it at said sittings;

(6) Or where any rules of court made hereafter, or where any court or judge, may direct any proceedings to be heard at such sittings. 57 V. c. 20, s. 1.

Rules as to
sittings at Ot-
tawa and Lon-
don.

96. Upon the written request of a majority of the practising solicitors resident at Ottawa and London, or either of them, the judges of the High Court may by rule, passed as provided by section 134 of this Act, substitute monthly or semi-monthly sittings in either or both of the said cities, as the case may be, in lieu of the weekly sittings required to be held under the preceding section. Every such rule may be rescinded, altered and restored like other general rules and orders.

97. To avoid the necessity of a judge attending when there is no business, all proceedings to be brought on at any weekly sittings shall be entered for that purpose with the registrar on or previously to the day next but one before the day appointed for the sittings; and it shall be the duty of the registrar on the evening of the last day for making such entries to notify by mail or telegraph the Registrar of the Chancery Division of the High Court at Toronto, or any other officer of the High Court named for this purpose from time to time by the court, as to whether any and what business has been so entered, and the said registrar or other officer shall forthwith by note in writing inform the judge appointed to attend at such sittings; and if no business has been so entered it shall not be necessary for any judge to attend. 57 V. c. 20, s. 2.

Notice of matters to be heard at sittings.

98. Solicitors desiring to be registered shall file with the deputy clerk of the Crown or local registrar at the place of such sittings a request to the effect following:

I (*or in the case of a firm, we*) hereby request the deputy clerk of the Crown (*or local registrar*) of the High Court at Ottawa (*or London*) to register my (*or our*) name as consenting to the hearing and disposal at the sittings of the High court at Ottawa (*or London as the case may be*) of all proceedings in which I (*or we*) may be acting as solicitor (*or solicitors*) as provided by *The Judicature Act 1895*. 57 V. c. 20, s. 3.

Form of declaration by solicitors desiring to be registered.

99. The deputy clerk of the Crown or local registrar at Ottawa and London respectively shall in regard to matters under sections 95 to 104 of this Act perform the duties pertaining to the Clerk of Records and writs and the registrar or clerk in court or chambers at Osgoode Hall. 57 V. c. 20, s. 4.

Duties of deputy clerks.

100. A book to be called "The Middlesex (*or Carleton*) consent register" shall be kept by the deputy clerk of the Crown or local registrar at Ottawa and London respectively, wherein shall be recorded such requests as aforesaid and the names of the local agents (if any) of the solicitors filing the said request; and such solicitors so registered shall be deemed to have consented to the hearing at the said sittings of any proceeding that may lawfully be made thereat.

"Consent register."

(2) This book shall be open to inspection by any solicitor or his clerk without fee or reward

(3) A solicitor who files such request may at any time withdraw the same by giving to the same officer notice in writing to that effect as respects future actions. In respect of actions begun before such withdrawal the order of a judge made on notice shall be necessary. The local registrar upon receiving such notice of withdrawal or such order of a judge shall forthwith make an entry thereof in the said book.

(4)

(4) A judge holding any such sittings shall take judicial notice of the said book and the entries therein. 57 V. c. 20, s. 5.

"Proceedings," what to include.

101. Proceedings under the sections 95 to 104 inclusive of this Act shall be deemed to include motions, petitions, special cases, appeals and other proceedings and matters generally, which by the law and practice of the said court may be heard and disposed of by a single judge in court as aforesaid. 57 V. c. 20, s. 6.

Fees.

102. Where proceedings are taken under the provisions of sections 95 to 104 of this Act no greater fees shall be taxed as between party and party or between solicitor and client than would have been taxable had such proceedings been carried on in accordance with the previously existing practice. 57 V. c. 20, s. 7.

Where judge unable to attend on the day fixed.

103. Where the judge whose duty it is to hold such sittings is not able to hold the same on the day appointed for that purpose, such sittings may be presided over by some other judge of the High Court or by a judge of any county court in Ontario, or by one of Her Majesty's counsel learned in the law appointed for Upper Canada or for the Province of Ontario upon such judge of a county court or counsel being requested by a judge of the High Court to attend for that purpose.

(2) Such judge or counsel while holding the sittings shall possess all the powers and authorities of a judge of the High Court. 57 V. c. 20, s. 8.

Rules applicable in case of weekly sittings.

104. Until rules of court, specially applicable to sections 95 to 104 of this Act are made, the present rules, relating to setting down and giving notice of motions and other matters before a judge in court, or in chambers in Toronto, shall *mutatis mutandis* apply to proceedings under said sections. 57 V. c. 20, s. 10.

OFFICIAL REFEREES AND ASSESSORS.

References and assessors.

105.—(1) Subject to any rules of court and to such right as may exist to have particular cases submitted to the verdict of a jury, any question arising in any cause or matter before the High Court of Justice or before the Court of Appeal, may be referred by the court or by any divisional court or judge before whom such cause or matter may be pending, for inquiry and report to a judge of a county court, or to an official referee, or to any other person agreed on by the parties.

(2) The High Court, or any divisional court or judge as aforesaid, or the Court of Appeal, may also, in any such cause or matter as aforesaid in which it may think it expedient so to

to do, call in the aid of one or more assessors specially qualified, and try and hear such cause or matter wholly or partially with the assistance of such assessors.

(3) The remuneration, if any, to be paid to such referees or assessors shall be determined by the court. R. S. O., 1887, c. 44, s. 101.

106.—(1) In any cause or matter before the said High Court, Power to direct trials before referees. (1) in which all parties interested who are under no disability consent thereto, and (2) without such consent in any such cause or matter requiring any prolonged examination of documents or accounts, or any scientific or local investigation which cannot, in the opinion of the court or a judge conveniently be made before a jury, or conducted by the court or judge directly, the court or a judge may at any time, on such terms as may be thought proper, order any question or issue of fact, or any question of account arising in the cause or matter, to be tried either before a judge of a county court, or before an official referee, or (if the parties so agree) before a special referee.

(2) All such trials before referees shall be conducted in such manner as may be prescribed by rules of court, and subject thereto in such manner as the court or judge ordering the same shall direct. R. S. O., 1887, c. 44, s. 102.

107. In all cases of a reference to or trial by referees under this Act, the referees shall be deemed to be officers of the court, and shall have such authority for the purpose of the reference or trial as shall be prescribed by rules of court, or (subject to such rules) by the court or judge ordering such reference or trial; and the report of any referee upon any question of fact on any such trial shall, unless set aside by the court, be equivalent to the verdict of a jury. R. S. O., 1887, c. 44, s. 103. Power of referees and effect of their findings.

108. With respect to all such proceedings before referees and to their reports, the court or judge shall have, in addition to any other powers, the like powers as by the *Act respecting Arbitrations and References* are given to the High Court with respect to references to arbitration and proceedings before arbitrators and their awards and appeals therefrom respectively. R. S. O., 1887, c. 44, s. 104. Powers of court with respect to proceedings before referees. Rev. Stat., c. 53.

TRIAL AND PROCEDURE.

109. In actions of libel, slander, criminal conversation, seduction, malicious arrest, malicious prosecution and false imprisonment, all questions which might heretofore have been tried by a jury, shall be tried by a jury, unless the parties in person or by their solicitors or counsel, waive such trial. R. S. O., 1887, c. 44, s. 76. Certain actions for torts to be tried by a jury.

Cases formerly within exclusive jurisdiction of court of chancery.

110. Subject to rules of court, all causes matters and issues, over the subject of which prior to *The Administration of Justice Act* of 1873, the Court of Chancery had exclusive jurisdiction, shall be tried without a jury, unless otherwise ordered. R. S. O., 1887, c. 44, s. 77.

Other issues to be tried and damage assessed by judge alone.

111.—(1) Subject to rules of court, all causes, matters and issues other than aforesaid, and the assessment or enquiry of damages therein may, and (subject to the provisions of section 80) in the absence of such notice as in sub-section 2 of this section mentioned shall be heard, tried and assessed by a judge without a jury.

Unless jury notice given or court or judge otherwise directs.

(2) If any of the parties desires the issues of fact to be tried or damages to be assessed or enquired of by a jury, he shall, at least eight days before the sittings at which the action is to be tried, or within such other time as may be ordered by the court or a judge, file and serve on the opposite party a notice in writing to the effect following, that is to say :

“The Plaintiff (or one or more of them or the Defendant, or one or more of them as the case may be) requires that the issues in this cause be tried (or the damages assessed) by a jury,”

and a copy of the notice shall be attached to the record or certified copy of the pleadings prepared for the judge. R. S. O., 1887, c. 44, s. 78.

Effect of notice requiring a jury.

112.—(1) Where any one of the parties has given such notice requiring a jury, the issues of fact therein shall (subject to the provisions of section 114) be tried and determined or the damages assessed by the verdict of jurors duly sworn for the trial of such issues or for the assessment of such damages.

Parties may waive notice.

(2) The parties present at the trial may consent that the said notice requiring a jury shall be waived, and the case tried and damages assessed by the judge, and may endorse a memorandum of such consent upon the record, and thereupon the judge may try the issues or assess the damages without a jury. R. S. O., 1887, c. 44, s. 79.

Agreement of ten jurors in verdict or answers to be sufficient.

(3) In all civil cases at the time of the passing of this Act or thereafter depending in the High Court of Justice or in a county court, or in any matter or cause within the jurisdiction of the Provincial Legislature, where issues are tried or where damages are assessed by a jury, it shall be sufficient if ten of the jurors empanelled for the trial or assessment shall agree, instead of twelve as heretofore required ; and in such case ten jurors may give the verdict, or answer the questions submitted to the jury by the judge.

Effect of verdict or answers so given.

(4) A verdict rendered or question answered under the provisions of this section shall have the same effect as the verdict or answer heretofore given by twelve jurors.

Special juries.

(5) This section shall apply to special juries.

113. If at the trial of any action or issue or assessment of damages now pending, or hereafter brought, a juror should die or become incapacitated by illness or any other cause from continuing to sit or act on the jury, or if it should be discovered that one of the jury sworn has an interest in the result or is a relative of any of the parties to the suit within the degree of first cousin, the presiding judge, in case of such illness, interest, relationship or other cause, may discharge such juror, and may in any such case direct that the trial or assessment shall proceed on such terms as he thinks fit with eleven jurors, and in such case ten jurors may give the verdict or answer the questions submitted to the jury by the judge.

Death or illness of juror or discovery of interest during trial.

114. Notwithstanding anything in the next preceding two sections contained, the judge presiding at the trial may in his discretion direct that the action or issues shall be tried or the damages assessed by a jury; and upon application to the court in which the action is pending, or to a judge thereof, by an order made before the trial, or by the direction of the judge presiding at the trial, the issues may be tried and damages assessed without a jury. R. S. O., 1887, c. 44, s. 80.

Judge may direct trial by jury, or without a jury.

Place of Trial.

115. Every action in the High Court shall be tried in the county in which the cause of action arises in case all the parties to such action reside in that county, provided always that a judge of the High Court may, on application by either party to the action, and for good cause shown, order the action to be tried in another county, on such terms as to him may seem proper.

Actions to be tried in county where cause of action arises.

Verdict.

116. Upon a trial by a jury, where the court or the presiding judge otherwise directs, it shall not be lawful for the jury to give a general verdict, and it shall be the duty of the jury to give a special verdict if the court or presiding judge so directs; and unless the court or the presiding judge otherwise directs, the jury may give either a general or a special verdict; but this section shall not apply to actions of libel. R. S. O., 1887, c. 44, s. 83.

Court may direct jury to give a special verdict, except in actions for libel.

117. Upon a trial by jury, in any case except an action for libel, slander, criminal conversation, seduction, malicious arrest, malicious prosecution and false imprisonment, the judge, instead of directing the jury to give either a general or a special verdict, may direct the jury to answer any questions of fact stated to them by the judge for the purpose; and in such case the jury shall answer such questions, and shall not give any verdict; and, on the finding of the jury upon the questions

In certain cases the jury may be directed to answer questions, and on the answers the judge shall enter verdict.

which

which they answer, the judge shall direct judgment to be entered. R. S. O., 1887, c. 44, s. 84.

Interest.

Interest may be allowed where it has been usual.

118. Interest shall be payable in all cases in which it is now payable by law, or in which it has been usual for a jury to allow it. R. S. O., 1887, c. 44, s. 85.

When allowed on debts certain and overdue.

119.—(1) On the trial of any issue, or any assessment of damages, upon any debt or sum certain, payable by virtue of a written instrument at a certain time, interest may be allowed to the plaintiff from the time when the debt or sum became payable.

(2) If payable otherwise than by virtue of a written instrument at a certain time, interest may be allowed from the time when a demand of payment is made in writing, informing the debtor that interest will be claimed from the date of the demand. R. S. O., 1887, c. 44, s. 86.

When by way of damages in certain actions.

120. In actions for conversion of goods or for trespass *de bonis asportatis*, the jury may give interest in the nature of damages over and above the value of the goods at the time of the conversion or seizure, and in actions on policies of insurance may give interest over and above the money recoverable thereon. R. S. O., 1887, c. 44, s. 87.

Interest on judgments.

121. Unless it is otherwise ordered by the court, a verdict or judgment shall bear interest from the time of the rendering of the verdict, or of giving the judgment, as the case may be, notwithstanding that the entry of judgment upon the verdict, or upon the giving of the judgment, shall have been suspended by any proceedings in the action, whether in the court in which the action is pending or in appeal. R. S. O., 1887, c. 44, s. 88.

Pleadings in Actions on Foreign Judgments.

Suit upon judgment in Quebec, where service was personal.

122. In any suit brought in Ontario on a judgment or decree obtained in the Province of Quebec in a suit in which the service of process on the defendant, or party sued has been personal, no defence that might have been set up to the original suit shall be pleaded to that brought on the judgment or decree. R. S. O., 1887, c. 44, s. 81.

Suit upon judgment in Quebec, where the service was not personal.

123. In any suit brought in Ontario on a judgment or decree obtained in the Province of Quebec in a suit in which personal service was not obtained and in which no defence was made, any defence that might have been set up to the original suit may be made to the suit on the judgment or decree. R. S. O., 1887, c. 44, s. 82.

Service out of the Jurisdiction.

124. Service out of the jurisdiction of a writ of summons or notice of a writ of summons or other document by which a matter or proceeding is commenced may be allowed by the court or a judge where the action is not for any matter within any of the classes for which service out of the jurisdiction is now provided, but it appears to the satisfaction of the court or judge that the plaintiff has a good cause of action against the defendant upon a contract or judgment and that the defendant has assets in Ontario of the value of \$200 at least, which may be rendered liable to the judgment in case the plaintiff should recover judgment in the action; and if the defendant does not appear the court or a judge is to give any directions which the court or judge from time to time sees fit as to the manner of proceeding in the action and the conditions on which the same may be proceeded with, and shall require the plaintiff before obtaining judgment to prove his claim and the amount of debt or damages claimed by him in the action, either before a judge or jury upon an assessment in the usual mode, or in such other mode, having regard to the nature of the case, as the court or judge may direct.

Service of process out of the jurisdiction upon commencement of action.

Service on Examinations of Parties.

125.—(1) In lieu of personal service of a subpoena on a party for his examination, service of an appointment upon his solicitors will be sufficient if made seven days before the day appointed for the examination; and the conduct money may be paid or tendered to the solicitor.

Service of appointment for examination. Tender of conduct money.

(2) In every such case the solicitor shall forthwith communicate the appointment to the party so required to attend, and shall not apply the money to any debt due to the solicitor or any other person, nor pay the same otherwise than to such party for his conduct money, nor shall the same be liable to be attached.

(3) Notwithstanding anything in this section hereinbefore contained, the party to be examined may be served personally with a subpoena as heretofore, in case the party desiring the examination so chooses.

Solicitors' Agents.

126. In case a solicitor resides in some part of a county other than the county town, and has not an office in the county town, he may enter in the solicitors' and agents' book kept by the deputy registrar, deputy clerks of the Crown or local registrar the name of an agent, being a solicitor of the Supreme Court and having an office in the county town upon whom may be served all writs, pleadings,

Agents in county towns of solicitors residing elsewhere in county.

pleadings, notices, orders, warrants and other documents, and written communications in relation to proceedings conducted in the office of the local master, deputy clerk, deputy registrar or local registrar of the county.

Witness Fees.

Fees of professional persons giving evidence and certain officers producing documents.

127. Where upon the trial of any action or proceeding any person is subpoenaed as a witness, and gives evidence, who is entitled under any statute or rule of court or other provision having the force of law in this Province, to receive an increased witness fee for evidence given by him in his professional capacity, or as an expert, no greater fee shall be allowed to such witness on any taxation of costs than those payable to witnesses in other cases, unless the judge or other officer before whom such action or other proceeding was tried shall certify that the evidence given by such witness was of an expert or professional character or was produced on account of the skill or professional knowledge possessed by such witness; and no public official or other witness subpoenaed or called upon to produce before any court or other tribunal any public or other document shall be entitled to more than ordinary witness fees, anything in the rules of court or tariffs prescribed thereunder to the contrary notwithstanding. 57 V. c. 25, s. 1.

Payment out of Court.

When approval of judge required.

128 In case of an order being made by any authority other than that of a judge of the High Court for payment of money out of court, the accountant before acting thereon shall apply to a judge of the High Court for his approval, which he may manifest by signing his initials to the order with or without any other words, and before approving the High Court judge, if he sees occasion, may call for any of the papers in the cause, or if necessary require the solicitor who obtained the order, or his agent, to attend before such judge to give any explanation or information the judge may think necessary.

Medical Examinations in Actions for Bodily Injury.

Medical examination where damages claimed for bodily injury

129. In any action brought to recover damages or other compensation for or in respect of bodily injury sustained by any person, a judge of the court wherein the action is pending, or any person who by consent of parties, or otherwise, has power to fix the amount of such damages or compensation, may order that the person in respect of whose injury, damages or compensation is sought shall submit to be examined by a duly qualified medical practitioner who is not a witness on either side, and may make such order respecting such examination and the costs thereof as he may think fit; provided always that the medical practitioner named in any

Proviso.

any such order shall be selected by the judge making the order, and provided moreover, that such medical practitioner may afterwards be a witness on the trial of any such action unless the judge before whom the action is tried shall otherwise direct. 54 V. c. 11, s. 1.

Imprisonment for Contempt of Court.

129a. In case an attachment has been issued under any order of the court or a judge that any person be committed to gaol for contempt of court and there to be detained and imprisoned until such person shall have purged his said contempt, if it be made to appear that such person is in actual custody under such attachment, the court or judge may, upon such notice as may be directed, modify and change the order and limit the term of imprisonment under such attachment or grant such other relief as may in the nature and circumstances of the case seem just, but any relief that may be granted to any such person shall not relieve him from any civil liability to any other person or persons.

Limiting term of imprisonment.

Fees on References.

130. In case of a reference by the judge at the trial of any action to a county judge, or to the registrar or deputy registrar, deputy clerk of the crown, local master or other officer of the court, paid wholly or partly by salary, of any matter which it would be competent for such judge to himself try at the said trial, no fees are to be allowed to such referee. This section does not apply to references made in pursuance of the ordinary practice of the Court of Chancery before *The Ontario Judicature Act, 1881*.

Compulsory references.

Stenographers' Charges.

131.—(1) To provide a fund to enable a reduction to be made to litigants for copies of evidence taken in shorthand at trials or references, a fee of \$1 shall be paid in every civil case entered for trial to the officer of the court who enters the same, and the latter shall keep a list of such causes duly entered in a book to be kept for the purpose, and shall within 48 hours after the closing of the sittings of the court make a return to the officer to be appointed for that purpose by the Lieutenant-Governor in Council of the actions so entered for trial, and of the money so paid thereon, and shall certify that the sum therewith returned is the full amount so paid to him on account of the cases entered at such sittings. The said last named officer shall

Fee payable on entering actions for trial.

keep an account thereof in a book to be kept for the purpose under the head of Shorthand Reporter's Fund, and the same shall be paid out and applied in connection with such reporting in such manner as the Lieutenant-Governor in Council may from time to time by order provide.

Regulating fees of special examiners and stenographers.

(2) The Lieutenant-Governor in Council may make rules and regulations fixing the fees and charges of and payments to special examiners and stenographers and others entitled to take examinations for taking examinations for discovery or cross-examinations in the High Court and county court, and for copies of such examinations or cross-examinations.

RULES OF COURT.

Judges of supreme court may make rules.

132.—(1) The Supreme Court may at any time, with the concurrence of a majority of the judges thereof present at any meeting held for that purpose, alter and annul any rules of court for the time being in force, and may make any further or additional rules of court for carrying this Act into effect, and in particular for all or any of the following matters that is to say :

- (a) For regulating the sittings of the High Court of Justice and the Court of Appeal, and of any divisional or other courts thereof respectively, and of the judges of the said High Court sitting in chambers ;
- (b) For regulating the pleading, practice, and procedure in the High Court of Justice and Court of Appeal ;
- (c) For the hearing of appeals from county courts, or a judge of a county court, from provisional judicial district courts or a judge of such court, from surrogate courts, stipendiary magistrates, or division courts, by any two or more of the judges of the Supreme Court, and for regulating the selection of the judges of the Supreme Court, who shall hear such appeals, and for regulating all matters relating to the practice of such appeals ;
- (d) For empowering the master in chambers, or any referee sitting for him, or the judges of the county courts, other than the judge of the county of York, or the local masters in respect of actions brought in their counties, to do any such thing, and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same as by virtue of any statute or custom, or by the rules of practice of the High Court, are now or may be hereafter done, transacted

To empower master in chambers, etc., to make orders.

or exercised by a judge of the High Court sitting at chambers, and as shall be specified in any such rule, except in respect of matters relating to—

1. The liberty of the subject ;
2. Appeals and applications in the nature of appeals ;
3. Proceedings under *The Act respecting Lunatics* ; Rev. Stat., c. 54.
4. Applications for advice under the *Trustee Acts* ; Rev. Stat., c. 110.
5. Matters affecting the custody of children ; and
6. Proceedings under section 33 of this Act.

(e) Generally, for regulating any matters relating to the practice and procedure of the said courts respectively, or to the duties of the officers thereof, or of the said Supreme Court, or to the costs of proceedings therein ; and every other matter deemed expedient for the better attaining the ends of justice, advancing the remedies of suitors, and carrying into effect the provisions of this Act and of all other Acts now or hereafter in force respecting the said courts.

(f) Subject to the approval of the Lieutenant-Governor in Council, to make rules from time to time regulating all fees payable in stamps.

(2) Where any provisions in respect of the practice or procedure of any courts, the jurisdiction of which is vested by this Act in the High Court, are contained in any statute, rules of court may be made for modifying such provisions to any extent that may be deemed necessary for adapting the same to the High Court, unless, in the case of any Act hereafter passed, this power shall be expressly excluded.

(3) Any provisions relating to the payment, transfer or deposit into, or in, or out of any court of any money or property, or to the dealing therewith, shall, for the purposes of this section, be deemed to be provisions relating to practice and procedure.

(4) All rules of court made in pursuance of this section shall from and after they come into operation, regulate all matters to which they extend, until annulled or altered in pursuance of this section. R. S. O., 1887, c. 44, s. 105.

133. Subject to any rules of court which may be made under the provisions of the preceding section, the judges of the Judges of court of appeal may make rules.

Court

Court of Appeal, or a majority of them, may from time to time make such general rules and orders for fixing the costs to be allowed in respect of proceedings in the said court, and for regulating the different proceedings in appeal, and generally for the effectual execution of this Act and the intention and object thereof in regard to the practice in appeals as to them may seem expedient; and may also from time to time alter and amend any of the existing rules or any rules made under the authority of this Act, and make other rules instead thereof; and until such rules are made, the present rules and the existing practice and mode of proceeding in the court shall continue in force. R. S. O., 1887, c. 44, s. 106.

Judges of high court may make rules.

134. The judges of the High Court or any four of them, of whom two of the presidents of the divisions of the High Court shall be two, shall, as regards matters in the High Court, have power to make general rules from time to time for the regulation of the practice of the High Court. R. S. O., 1887, c. 44, s. 107.

Lieut-Governor in Council may authorize certain judges to make rules.

135. The Lieutenant-Governor in Council may from time to time authorize the following persons, viz.: the Chief Justice of Ontario, the Chief Justice of the Queen's Bench, the Chancellor, the Chief Justice of the Common Pleas, and any one or more of the other Justices of the Supreme Court, to make rules of court under this Act; every such appointment to continue for such time as shall be specified by order in council, and the judges so appointed, or any three of them, may make such rules, and the same shall have the same effect as if made by all the judges of the Supreme Court, under section 132. R. S. O., 1887, c. 44, s. 108.

Authority to make rules of court for district courts,

136. The judges of the Supreme Court and of the High Court, respectively, shall have the same authority to make rules of court with respect to district courts as they have with respect to the High Court and to county courts, and the judges authorized as mentioned in section 135 of this Act shall, with respect to district courts, have the like authority. 52 V. c. 10, s. 12.

Council of judges to consider procedure and administration of justice.

137. A council of the judges of the said Supreme Court, of which due notice shall be given to all the said judges, shall assemble once at least in every year, on such day or days as shall be fixed by the Lieutenant-Governor, for the purpose of considering the operation of this Act and of the rules of court for the time being in force, and also the working of the several offices and the arrangements relative to the duties of the officers of the said courts respectively, and of inquiring and examining into any defects which may appear to exist in the

system of procedure or the administration of the law in the High Court of Justice or the Court of Appeal, or any other court, or by any other authority ; and they shall report annually to the Lieutenant-Governor what (if any) amendments or alterations it would in their judgment be expedient to make in this Act, or otherwise relating to the administration of justice, and what other provision (if any) which cannot be carried into effect without legislative authority it would be expedient to make for the better administration of justice ; an extraordinary council of the said judges may also at any time be convened by the Lieutenant-Governor. R. S. O., 1887, c. 44, s. 109.

138. Save as by this Act or by any rules of court may be otherwise provided, all forms and methods (as nearly as may be) of procedure which, prior to the 22nd day of August, 1881, were in force in any of the courts whose jurisdiction then became vested in the said High Court, under and by virtue of any law, general order, or rule whatsoever, and which are not inconsistent with this Act or with any rules of court—may continue to be used and practised in the said High Court of Justice, in such and the like cases, and for such and the like purposes, as those to which they would have been applicable prior to the said date in the respective courts of which the jurisdiction became so vested. R. S. O., 1887, c. 44, s. 110.

Provision for saving of existing procedure where not inconsistent with this Act or rules of court.

OFFICERS AND OFFICES.

139.—(1) The Lieutenant-Governor in Council may from time to time appoint a suitable person to be the Registrar of the Court of Appeal.

Registrar may be appointed for the court of appeal.

(2) The said registrar shall not take for his own use or benefit, directly or indirectly, any fee or emolument save the salary to which he is entitled by law ; and all fees received by him on account of the said office shall form part of the consolidated revenue fund, and shall be payable in stamps, subject to the *Act respecting Law Stamps* R. S. O., 1887, c. 44, s. 111.

Fees of registrar to form part of con. rev. fund.

Rev. Stat. c. 22.

140.—(1) The Lieutenant-Governor may from time to time appoint a master in ordinary, a master in chambers, an accountant of the Supreme Court and two or more taxing officers.

Appointment of masters, etc.

(2) Subject to orders of the Lieutenant-Governor in Council, the said officers and the local masters shall be officers of the Supreme Court and attached thereto. R. S. O., 1887, c. 44, s. 112.

Appointment
of clerk of
process, etc.

Duties.

Officers to
remain attach-
ed to their
several divi-
sions.

Distribution
of business
among
officers.

141. The Lieutenant-Governor may from time to time appoint one clerk of the process for the High Court, one registrar for each of the divisions of the High Court; and one clerk of records and writs and one assistant registrar, to be attached to the Chancery Division; and also such other clerks and officers as the business of the court may, from time to time, require; and such officers and clerks shall, in addition, to any of the duties usually performed by the like officers and clerks, perform such duties as may by rules of the Supreme Court or the High Court be provided, or as the division of the High Court to which such officers are attached, may from time to time direct. R. S. O., 1887, c. 44, s. 113.

142.—(1) Subject to orders of the Lieutenant-Governor in Council, all officers attached to the various divisions of the High Court shall remain and continue to be attached to the division respectively to which they are now attached.

(2) Where a doubt exists as to the position under this Act of any existing officer attached to any court or judge affected by this Act, such doubt may be determined by rule of court.

(3) The Lieutenant-Governor in Council shall have the power and (subject to any order in council) the judges of the said Supreme Court shall have power to change the official names of offices and officers, and to change and regulate the duties of the officers. R. S. O., 1887, c. 44, s. 114.

143. Subject to any order in council in that behalf, the business to be performed in the High Court and in the Court of Appeal respectively, or in any divisional or other court thereof, or in the chambers of any judge thereof, other than that performed by the judges, shall be distributed among the several officers attached to the said courts by the preceding section in such manner as may be directed by rules of court; and such officers shall perform such duties in relation to such business as may be directed by rules of court; and, subject to such order in council and rules of court, all such officers respectively shall continue to perform the same duties, as nearly as may be, and in the same manner as if this Act had not passed. R. S. O., 1887, c. 44, s. 115.

144. Orders made by the master in chambers, or other officer mentioned in sub-section (d) of section 132, shall be as valid and binding on all parties concerned as if made or given by a judge in chambers. R. S. O., 1887, c. 44, s. 116.

145.—(1) Every officer of the court hereafter appointed before he enters upon his duties shall take and subscribe the following oath :—

Oath of officers.

“ I, A. B. of ———, do hereby solemnly swear that I will, according to the best of my skill, learning, ability and judgment, well and faithfully execute and fulfil the duties of the office (*as the case may be*) without favor or affection, prejudice or partiality, to any person or persons whomsoever. So help me God.”

(2) When not convenient to a person appointed to any office to attend at Toronto to take the oath of office, the oath may be taken before the judge of the county court of the county in which the officer resides, or before a commissioner authorized to administer affidavits in such county, and the oath shall be certified by the judge or commissioner and filed amongst the records of the court at Toronto. In all other cases the oath shall be administered to the officer by the judge in open court. R. S. O., 1887, c. 44, s. 117.

146. The clerk of the process, the registrars of the Queen's Bench and Common Pleas Divisions, and the deputy clerks of the crown and pleas, shall within one month next after their appointment, give security to Her Majesty, in such sum, and with so many sureties, and in such form as the Lieutenant-Governor in Council directs, conditioned respectively, for the due performance of the duties of their office. R. S. O., 1887, c. 44, s. 118.

Officers to give security.

147. The neglect by any such registrar or deputy clerk to give such security shall render his appointment void ; but the forfeiture of office shall not affect any act done by him during the time he actually continues to hold his appointment. R. S. O., 1887, c. 44, s. 119.

Consequences of neglecting to do so.

148. The Lieutenant-Governor shall in his discretion approve of the security and sureties so given by each registrar, and the judge of the county court having first certified his approval in writing, of the security and sureties given by the deputy clerk of the crown for his county, the Lieutenant-Governor shall in his discretion approve of the security and sureties so given by such deputy clerk ; and such securities, when executed and approved, shall be duly recorded in the manner provided by the *Act respecting Public Officers*, and shall then be deposited in the office of the Provincial Treasurer. R. S. O., 1887, c. 44, s. 120.

Who to approve of the sureties.

To be recorded and deposited as provided by Rev. Stat. c. 15.

149. The registrars and the clerk of the process respectively shall keep their offices in Osgoode Hall, in the city of Toronto. R. S. O., 1887, c. 44, s. 121.

Offices to be at Osgoode Hall.

To supply officers with blank writs.

150. The clerk of the process shall keep the officers whose duty it is to issue writs and process, supplied with blank writs and process of all descriptions, to be filled up and issued by them; and he shall have a reasonable allowance for printing, procuring and transmitting blank forms of writs and process, and for necessary books and stationery. R. S. O., 1887, c. 44, s. 122.

The clerk of process to make quarterly returns.

151. The clerk of the process shall make to the Treasurer of the Province quarterly returns, verified by his affidavit, of all writs and process issued by him in actions brought at Toronto, or supplied by him to the registrars and deputy clerks of the Crown to be issued by them. R. S. O., 1887, c. 44, s. 123.

Official referees.

152.—(1) Subject as aforesaid, the judges of the county courts, the master in ordinary, the master in chambers, the registrars of the several divisions of the High Court and the local masters shall be official referees for the trial of such questions as shall be directed to be tried by such referees.

(2) In case the business is found to require other or additional official referees, and the presidents of the said divisions so certify, the Lieutenant-Governor from time to time may appoint other and additional official referees accordingly.

(3) In the case of officers who are paid by salary, the fees, on any reference or trial shall be paid in stamps; other referees shall be paid by fees. R. S. O., 1887, c. 44, s. 124.

Local masters, deputy registrars, and deputy clerks of the crown.

153.—(1) There shall be a local master in every county or union of counties other than the county of York, and every local master hereafter appointed shall reside in the county for which he is appointed.

Local masters.

(2) When a vacancy occurs in the office of local master, the judge of the county court for the county shall be the local master until and unless another person is appointed local master. In such case if there are two county judges, a senior and junior judge, both judges shall be local masters until and unless one of them or some other person is appointed sole local master. R. S. O., 1887, c. 44, s. 125 (1) (2).

Deputy clerks of the crown.

(3) Except in the county of York, the several clerks of the county courts shall be *ex officio* deputy clerks of the crown and pleas of the High Court for their county, unless the offices of deputy-clerk of the Crown and deputy-registrar become and are consolidated under sub-section 5. R. S. O., 1887, c. 44, s. 125 (3); 56 V. c. 11, s. 2.

(4) Where a county court judge is the local master, the county court clerk shall be the deputy registrar Deputy registrars.

(5) The offices of deputy clerk of the crown and deputy registrar (not local master) shall be consolidated as vacancies occur in either ; unless where the Presidents of the Divisions of the High Court or a majority recommend otherwise ; when the said offices are held by the same person, he shall be styled local registrar of the High Court. Local registrars.

(6) Except as provided in section 130 of this Act, where a reference is made to a deputy clerk of the Crown, or an examination is taken by him, he shall be entitled to take and receive to his own use the fees on such reference or examination. Fees of deputy clerks of the crown.
R. S. O., 1887, c. 44, s. 125 (6).

(7) The Lieutenant-Governor in Council may commute the fees of a local master, or of a local master and deputy registrar, including his fees as an official referee, for a fixed annual sum, such sum not to exceed the average income derived from fees for the preceding five years. Commutation of fees of local masters.

(8) The Lieutenant-Governor in Council may commute the fees payable to a deputy clerk of the Crown on references and examinations and other matters for a fixed annual sum, such sum not to exceed the average income derived from such fees during the preceding five years. Commutation of fees of deputy clerks of the crown.

(9) Any annual sum fixed as provided in the preceding two sub-sections shall continue until varied by order in council, but any order for payment of any such annual sum as aforesaid may be rescinded, and the amount may by Order in Council be increased or diminished, provided that in no case shall any Order in Council name a sum exceeding the average income or fees aforesaid (as the case may be) during the preceding five years. Amount of commutation may be changed.

(10) The local masters, local registrars, and deputy clerks of the Crown, deputy registrars and other officers mentioned in this Act shall be appointed by the Lieutenant-Governor, and every such officer heretofore appointed shall hold office during the pleasure of the Lieutenant-Governor. Appointments of officers.

(11) Where a local master, or deputy-registrar, or deputy clerk of the crown, or other officer, is paid by a salary, he shall not, save as hereinbefore expressly provided, take for his own benefit, directly or indirectly, any fee or emolument, save the salary to which he may be entitled ; but the like sums and fees heretofore payable on proceedings in his office shall continue to be payable ; and all such fees shall form part of the consolidated revenue fund of this Province, and shall be payable in stamps, subject to the provisions of the *Act respecting Law Stamps*. Fees of salaried officers to form part of the consolidated revenue.
Rev. Stat., c. 22.

Local masters,
not to practise
in certain
cases.

(12) No local master whose gross income from his office of local master or of deputy registrar and local master, is \$2,000 or upwards shall, during the continuance of his appointment, directly or indirectly, practise in the profession of the law as counsel, or solicitor, or as a notary public, or conveyancer, or do any manner of conveyancing, or prepare any papers or documents to be used in any court of this Province, under the penalty of forfeiture of office and the further penalty of \$400, to be recovered by any person who sues for the same by action in the High Court, and one-half of such pecuniary penalty shall belong to the party suing, and the other half to Her Majesty for the use of the Province: but nothing in this section shall prevent the Lieutenant-Governor in Council, or the High Court, from requiring a local master whose income does not amount to \$2 000, to abstain from practising under the like penalties.

High court
may except
officers from
sub-ss. 1
and 12.

(13) The High Court may, with the concurrence of the Lieutenant-Governor, relieve any person now holding the office of local master and deputy registrar, or any other officer from the operation of the preceding sub-sections 1 and 12, or either of them. R. S. O., 1887, c. 44, s. 125, (4) to (13).

Returns of
fees.

(14) Every officer paid by fees, whether commuted or not, shall on or before the 15th day of January in every year, transmit to the inspector of legal offices appointed under section 169 of this Act, a just, true and faithful account, verified upon oath, of the amount of fees paid or payable to him in cash or in stamps, in respect of his office during the preceding year, and also such particulars with reference to the business of his office as the inspector of legal offices may require. 52 V. c. 10, s. 4.

Form of
returns.

(15) The Lieutenant-Governor or the member of the Government having charge of the matter may require the return to state any particulars, or to be made in any form that may be thought proper, and such return shall be made accordingly. R. S. O., 1887, c. 44, s. 125 (15).

Seals of
deputy regis-
trars and
deputy clerks
of the crown.

154. In the office of every deputy registrar and deputy clerk of the Crown such seal shall be used as the Lieutenant-Governor shall from time to time direct, which seal shall be impressed on every writ and other document issued out of or filed in such office; and all such writs and documents, and all exemplifications and copies thereof, purporting to be sealed with the seal of any such deputy registrar or deputy clerk of the Crown, shall in all parts of this Province be received in evidence without further proof thereof. R. S. O., 1887, c. 44, s. 126.

Marshal and
clerk of assize
for county of
York.

155. The Lieutenant-Governor in Council may from time to time appoint a suitable person to be the marshal and clerk of assize for the county of York, who shall hold office during pleasure. R. S. O., 1887, c. 44, s. 127.

156. Every marshal and clerk of assize, being a deputy clerk of the Crown or local registrar, or authorized to act as such shall be entitled to be paid out of the consolidated revenue fund the sum of \$4 for each day's attendance as such marshal or clerk of assize. R. S. O., 1887, c. 44, s. 128.

Remuneration of deputy clerks of the crown when they act as marshals.

157. No charge whatever shall be made by any of the said marshals or clerks of assize upon any criminal trial or proceeding in any court at which they act as marshals and clerks of assize respectively. R. S. O., 1887, c. 44, s. 129.

Not to receive fees in criminal cases.

158.—(1) Each deputy clerk of the crown and pleas shall, if proper accommodation is afforded him, keep his office in the court house of his county, and until he can obtain such accommodation he shall keep his office in some convenient place in the county town.

Where deputy clerk's office to be kept.

(2) Provided, however, that the deputy clerk of the crown and pleas at Sandwich, may keep an office in some convenient place in the town of Windsor, in the county of Essex, subject to such arrangements as the county council of the county of Essex may assent to, and subject also to the approval thereof by the Lieutenant-Governor in Council. R.S.O., 1887, c. 144, s. 130.

159.—(1) There shall be an official guardian *ad litem* of infants, who shall be appointed by the Lieutenant-Governor, and shall be a barrister-at-law and solicitor of this Province, of not less than seven years' standing, and shall hold office during pleasure.

Official guardian *ad litem*.

(2) The official guardian, besides acting as a guardian *ad litem* of infants under rules of court and other orders, shall perform such other duties as a divisional court or judge may from time to time direct.

Duties of guardian.

(3) The same costs as hitherto shall be paid to the guardian by any party; and the same costs as hitherto shall be payable to the guardian out of funds in court; but all costs so paid to the guardian by any party shall be by such guardian paid forthwith into court with the privity of the accountant of the Supreme Court, and shall be placed to the credit of an account to be intituled "Account of Official Guardian *ad litem*;" and all costs payable to the guardian out of any funds in court, shall be transferred to the credit of the same account.

Costs of guardian.

(4) Where the estate is small, and, in view of the amount at the credit of the said account, the amount or part of the amount payable out of the estate for the guardian's costs does not appear to be required to pay the salary and disbursements of the official guardian, the court may withhold payment out of such estate of the sum or any part of the sum due for the guardian's costs in respect of such estate; and may distribute the estate as if such costs were not payable by or out of the same.

Costs where estate is small

Salary of
guardian.

(5) There shall be paid to the said guardian in respect of all business done a fixed salary of such sum per annum as, in view of the amount of business done or to be done by the guardian, and the sum at the credit of the account, the said judges think reasonable and the Lieutenant-Governor in Council approve; which salary shall be over and above all necessary disbursements; and the salary and disbursements shall be paid monthly or otherwise as shall be determined by rule of court, out of the fund at the credit of the said account of official guardian *ad litem*, and not otherwise.

Transfer of
surplus of
guardian's
account.

(6) The surplus appearing from time to time at the credit of the said account beyond what may be required to pay the charges on the said account, shall be transferred to the "Suitors' Fee Fund Account."

Costs of soli-
citor employ-
ed by official
guardian.

(7) Where the official guardian has occasion to employ a solicitor in another county for the purpose of any proceeding in an action, such solicitor shall be entitled to receive from the official guardian in respect of the proceeding the same costs as if the solicitor so employed were solicitor and guardian of the infant.

Return of
costs.

(8) The official guardian *ad litem* shall once every six months file in the accountant's office an affidavit, showing all costs recovered by him as official guardian *ad litem*, during the six months preceding the making of the affidavit, giving therein the several amounts received by him, and the name or names of the actions and matters in which the same were respectively received by him, together with the date of receipt.

Transfer on
appointment
of new
guardian.

(9) When a new official guardian *ad litem* is appointed, he shall *ipso facto* become, and be by virtue of such appointment, guardian *ad litem* to all infants, in the place and stead of his predecessor, with the same duties and powers; and the latter (his executors and administrators, as the case may be) shall forthwith deliver over to the new official guardian all letters, papers, documents and books in his possession or power as official or other guardian *ad litem* of infants; and the new guardian shall forthwith communicate his appointment to whom it may concern.

Guardian not
to practise if
Lieutenant-
Governor in
Council or
court so
orders.

(10) The Lieutenant-Governor in Council, or the High Court may order that the official guardian is not to practise as a barrister or solicitor, and in such case he shall not, during the continuance of his appointment and of such order, directly or indirectly practise the profession of the law as counsel or solicitor, or as a notary public, or conveyancer, or do any manner of conveyancing, or prepare any papers or documents to be used in any court of this Province, except in the discharge of his duties as official guardian, or of any other duties which may be assigned to him by the said High Court or any division or judge thereof as the case may be; and the said official guardian in case of his offending in the matter afore-
said

said shall be subject to a penalty of forfeiture of office, and the further penalty of \$400 to be recovered by any person who sues for the same by action in the High Court; and one-half of such pecuniary penalty shall belong to the party suing, and the other half to Her Majesty for the use of the Province. R. S. O., 1887, c. 44, s. 131.

160. The accountant shall yearly and on or before the 15th day of January in every year, transmit to the Lieutenant-Governor in Council, a just, true and faithful statement, showing the state of the "Account of Official Guardian *ad litem*," upon the 31st day of the preceding December. R. S. O., 1887, c. 44, s. 132.

Return of
official guardian's
accounts.

161.—(1) Subject to any rules of court which may be made under the provisions of sections 132 to 135 of this Act, the present accountant and his successors appointed under section 140 of this Act, shall be the accountant of the Supreme Court of Judicature for Ontario and shall be so designated.

Accountant of
supreme
court.

(2) For the purposes of holding the mortgages, stocks, funds, securities, and all estate therein, and any interest in real and personal estate, effects or property, and of all moneys and effects mentioned and described in section 162 of this Act, or in any rule or order of court, the said accountant shall be a corporation sole by the name of "The Accountant of the Supreme Court of Judicature for Ontario," and the said accountant as such corporation sole shall have perpetual succession, and may sue and be sued, may plead and be impleaded in any of Her Majesty's courts in this Province. R. S. O., 1887, c. 44, s. 133.

162. All mortgages, stocks, funds, annuities and securities whatsoever, at the time of the commencement of *The Ontario Judicature Act 1881*, standing in the name of the accountant of the Court of Chancery, or of the referee in chambers, or any other officer named by the court for the purpose under the authority of the 31st section of *The Chancery Act*, or in his custody or power as such accountant, referee in chambers or other officer aforesaid, together with all the interest and estate of the said accountant, referee in chambers or other officer, in the lands and premises embraced in such mortgages or other securities, and by the said *The Ontario Judicature Act 1881*, vested in the accountant of the High Court for the time being, as such accountant, and all other mortgages, stocks, funds, securities, and all estate therein, and any interest in real and personal estate, effects or property, and all moneys and effects, bonds and guarantees, on the 30th day of March, 1885, vested in and held by the accountant of the High Court in his own name, or in his name of office, as such accountant, subject to the same trusts as they may then respectively have been subject to, are hereby declared to be and to have been from and after

Securities
vested in
accountant.

after the 30th day of March, 1885, vested in the said corporation sole under the name aforesaid. R. S. O., 1887, c. 44, s. 134.

Securities held
by registrar
of court of
appeal to be
transferred to
accountant of
supreme
court

163. All mortgages, stocks, funds, securities, and all estate therein, and all moneys and effects prior to the 30th day of March, 1885, standing in the name of the registrar of the Court of Appeal as such registrar in any cause, matter, or proceeding then or at any time theretofore pending in the said Court of Appeal, are hereby declared to be and from and after the said day to have been transferred to and vested in the accountant of the Supreme Court of Judicature for Ontario as such accountant, subject to the trusts which respectively attached thereto; and the said registrar and one of the judges of the said Court of Appeal are to execute all cheques or documents necessary to effect a formal transfer thereof, if any are required; and the registrar is forthwith to deliver to the said accountant all books of account and documents in his possession or control relating to the moneys and property hereby declared to be and to have been transferred to the said accountant. R. S. O., 1887, c. 44, s. 135.

When there is
no accountant
securities to be
vested in
officer ap-
pointed by
court.

164. In case of there being at any time no accountant of the Supreme Court, all mortgages, stocks, funds, annuities and securities whatsoever theretofore standing in the name of any accountant, or in his custody or power in respect of his office, together with all the interest and estate of the said accountant in the lands and premises embraced in such mortgages or other securities, shall become and be, by force of this Act, vested in such other officer as the Supreme Court, by general rule, may, from time to time, direct, subject to the same trusts as they may then respectively be subject to. R. S. O., 1887, c. 44, s. 136.

Money in
court how to
be disposed of.

165. All moneys that become subject to the control and distribution of the High Court or Court of Appeal shall be paid in the name of the accountant of the Supreme Court, (or if there is no accountant in the name of such other officer as the court by general rule may from time to time direct) into the hands of such person or body corporate, or shall be invested in the name of the accountant (or, if there is no accountant, in the name of such other officer) in the public funds of the Dominion of Canada or of this Province, or in such other securities as the court may from time to time direct. R. S. O., 1887, c. 44, s. 137.

Expenses of
accountant's
office.

166. The expenses of the accountant's office including all salaries shall be the first charge on the income arising from the funds in court. R. S. O., 1887, c. 44, s. 138.

Amounts to be
paid to
suits' fee
fund.

167. The surplus income arising from the funds in the High Court after payment of the expenses of the accountant's office, and of such interest on the moneys of suitors as from

time

time to time by rules of court or otherwise is directed to be paid, shall be transferred to the "suitsors' fee fund account." R. S. O., 1887, c. 44, s. 139.

168. "The suitsors' fee fund account," shall continue to be kept and managed as may from time to time be directed by the court, and any divisional court or any judge of the Supreme Court of Judicature for Ontario may apply the same as may be necessary for the protection of infants and other persons not *sui juris* or *non. compotes mentis*, on whose behalf proceedings may be had in the court, or may, by the court, be ordered to be had in other courts, and may also, from time to time, order to be paid, out of the money at the credit of the said account, any sum required to make good a default arising in respect of suitsors' money or securities from any mistake, act, or omission of any official of the court. Such payment is to be without prejudice to any personal liability of the official or his sureties in respect of the mistake, act or omission. R. S. O., 1887, c. 44, s. 140.

Suitsors' fee fund.
Certain losses may be charged on suitsors' fee fund.

169. The Lieutenant-Governor may from time to time appoint one of the officers of the High Court, or some other competent person, to inspect the offices of the sheriffs, local masters, deputy registrars, deputy clerks of the crown, local registrars of the High Court, registrars of surrogate court, clerks of the peace, and county crown attorneys, and clerks of the county court, in the respective counties of the Province, and such other officers connected with the administration of justice as the Lieutenant-Governor in Council may from time to time direct. R. S. O., 1887, c. 44, s. 141.

Inspector of sheriffs and other officers.

170. The duty of the inspector shall be :—

1. To make a personal inspection of the said offices and of the books and court papers belonging thereto respectively ;

2. To see that proper books are provided, that they are in good order and condition, that the proper entries and records are made therein in a proper manner, at proper times, and in a proper form and order, and that the court papers and documents are properly classified and preserved ;

3. To ascertain that the duties of the officers are duly and efficiently performed ;

4. To see that proper costs and charges only are allowed or exacted ;

5. To ascertain that proper security has been given by any officer required by law to give security ;

6. To ascertain whether uniformity of practice prevails in the several offices of the High Court and in the county and surrogate courts ;

7. To report upon all such matters, as expeditiously as may be, to the Lieutenant-Governor. R. S. O., 1887, c. 44, s. 142.

Inquiries by
inspector.

171. When the said inspector has occasion to institute an inquiry into the conduct of any officer in relation to his or their official duties or acts, it shall be lawful for the said inspector to require such officer, or any other person or persons, to give evidence on oath; and for this purpose the said inspector shall have the same power to summon such officers and other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books and documents and give evidence, as any court has in civil cases. R. S. O., 1887, c. 44, s. 143.

Books, etc., to
be produced
for inspection.

172. The said several officers shall, as often as required by the said inspector, produce for examination and inspection all books and documents which are required to be kept by them, or which may hereafter be required to be kept by them; and shall report to the inspector all such matters relating to any cause or proceeding as the inspector shall require. R. S. O., 1887, c. 44, s. 144.

Affixing
stamps to
papers un-
stamped or in-
sufficiently
stamped.

173.—(1) Where the inspector of legal offices, appointed under section 169 of this Act, or any other officer inspecting legal offices under the authority of an order of the Lieutenant-Governor in Council, finds any paper or proceeding which should have had affixed to it law stamps, to be unstamped, or to be insufficiently stamped, he may require the officer to whom belonged the duty of seeing that such paper was properly stamped, to affix to every such paper or proceeding a stamp or stamps of a sufficient amount to make up the deficiency.

(2) The inspector or other officer directing stamps to be affixed as aforesaid shall cancel the stamps so affixed in such manner as shall be directed by the Lieutenant-Governor in Council, and the affixing of such stamps by direction of the inspector, shall have the same effect as if the paper or proceeding had been duly stamped in the first instance. R. S. O., 1887, c. 44, s. 145.

Stenographic
writers.

174.—(1) The stenographic writers heretofore appointed, or who shall hereafter be appointed by the Lieutenant-Governor to report trials at sittings of the High Court, or of a county court, shall be officers of the court to which they are appointed, and shall hold office during the pleasure of the Lieutenant-Governor, and shall perform such other duties as may be assigned to them by rule of court, or order of the Lieutenant-Governor in Council.

Reporter's
oath.

(2) Every such reporter shall take the following oath before one of the judges of the court to which he is appointed, and the same shall be filed :

I (A. B.) do solemnly and sincerely promise and swear that I will faithfully report the evidence and proceedings at the trial in each case in which it may be my duty to act as shorthand reporter. So help me God. R. S. O., 1887, c. 44, s. 146.

175. The Supreme Court may, from time to time, under the seal of the court, appoint, and at discretion remove, special examiners for the purpose of taking evidence of parties and witnesses, and the examiners so appointed shall have all the powers formerly possessed by masters extraordinary and examiners. R. S. O., 1887, c. 44, s. 147.

Appointment
of special
examiners.

176. Any officer of the Supreme Court or the High Court shall, for the purposes of any proceedings directed by the court to be taken before him, have full power to administer oaths, to take affidavits, to receive affirmations, and to examine parties and witnesses as the court may direct. R. S. O., 1887, c. 44, s. 148.

Administra-
tion of oaths.

177. Sheriffs, deputy sheriffs, gaolers, constables and other peace officers, shall aid, assist and obey the court and the judges thereof respectively in the exercise of the jurisdiction conferred by this Act, and otherwise, whenever by any general or other order of the court or of a judge thereof, required so to do. R. S. O., 1887, c. 44, s. 149.

Sheriffs, gaol-
ers, etc., to be
officers of the
court.

178. All gaols in Ontario shall be prisons of the High Court. R. S. O., 1887, c. 44, s. 150.

Gaols to be
prisons of the
court.

179.—(1) There shall be paid out of the consolidated revenue fund of this Province such sums as the Legislature may from time to time appropriate for such purpose as and for the salaries of officers of the said courts, who are not paid by fees or otherwise.

Salaries, etc.

(2) The salaries of all officers of the court which are payable out of the consolidated revenue fund shall be paid monthly, but the payment to be made in each case on the first day of payment which happens after the right thereto accrues, shall be a ratable proportion of a month's salary, according to the time then elapsed since the accrual of the right; and in case of a vacancy, the person who vacates the office, his executors or administrators, shall be entitled to a proportional part of his salary according to the time elapsed between the vacancy and the last payment. R. S. O., 1887, c. 44, s. 151.

180.—(1) Unless specially authorized, neither the master in ordinary, the registrars, nor any of their deputies, nor the process clerk, nor the clerk in chambers, nor the accountant, nor any clerk appointed as aforesaid, shall take for his own benefit, directly or indirectly, any fee or emolument, save the salary to which he may be entitled by law; but the like sums and fees heretofore payable on proceedings in the offices of the said officers shall continue to be payable; and all such fees shall form part of the consolidated revenue fund of the Province, and shall be payable in stamps, subject to the provisions of the *Act respecting Law Stamps*.

No fees
allowed.

How fees to
be payable.

Rev. Stat. c.
22.

Local officers
may take fees.

(2) The local masters and deputy registrars not paid by salary and the commissioners may retain to their own use all the fees of office which they respectively receive not payable to the Crown or belonging to any fee fund, and need not account to the Crown for any portion of such fees. R. S. O., 1887, c. 44, s. 152.

Salaries of
deputy clerks
of the crown.

181.—(1) The Lieutenant-Governor in Council may appoint that sums not in any case exceeding \$600 nor less than \$100 yearly shall be paid out of moneys to be hereafter voted by the Legislature for the purpose, as and for the salaries of the deputy clerks of the crown respectively.

(2) The preceding provision fixing the maximum at \$600 shall not apply to any case where the deputy clerk does not hold the office of registrar of the surrogate court. R. S. O., 1887, c. 44, s. 153.

Fees on writs
and process.

182. The fees payable on all writs and process issued by the clerk of the process shall form part of the consolidated revenue fund of the Province, and shall be payable in stamps subject to the provisions of the *Act respecting Law Stamps*. R. S. O., 1887, c. 44, s. 154.

Rev. Stat.
c. 22.

Fees.

183. In addition to all fees, otherwise authorized to be levied on proceedings in the High Court, the following fees shall form part of the consolidated revenue fund of the Province, and shall be payable to the crown in stamps, subject to the provisions of the *Act respecting Law Stamps*.

Rev. Stat.
c. 22.

	\$	c.
On every writ of summons, capias or subpœna, and on every other writ or other document of what nature or description soever, having the seal of the court affixed thereto	0	50
On every judgment entered.....	0	60
On every certificate of action instituted, judgment or decretal order made	0	50
On setting down on the paper for argument of every demurrer, special case, points reserved, special verdict or appeal case.....	0	30
On entering every action for trial or assessment	2	00
On every rule or order of court issued.....	0	20
On taxation of every bill of costs	0	20

R. S. O., 1887, c. 44, s. 155.

Fees.

184. In addition to all fees otherwise authorized to be levied on proceedings in cases brought to the Court of Appeal from the High Court, the following fees shall be payable to the Crown in stamps, subject to the provisions of the *Act respecting Law Stamps* :

Rev. Stat. c.
22.

On every appeal entered	\$4	00
On every judgment, decree, or order of the court passed and entered.....	2	00

R. S. O., 1887, c. 44, s. 156.

COUNTY COURTS AND JUDGES.

185. Except in the county of York, the judges of the several county courts shall be judges of the High Court for the purposes of their jurisdiction in actions in the High Court; and in the exercise of such jurisdiction may be styled "local judges of the High Court," and shall, in all causes and actions in the High Court, have, subject to the rules of court, power and authority to do and perform all such acts, and transact all such business in respect to matters and causes in and before the High Court as they are by statute or rules of court in that behalf from time to time empowered to do and perform. R. S. O., 1887, c. 44, s. 157. See 57 V., c. 20, s. 13 and Rule 41.

Local judges
of high court.

(2) A local judge of the High Court may, in cases of emergency, grant an interlocutory injunction under sub-section 8 of section 53 of this Act in any action in the High Court brought in his county on proof, to the satisfaction of the judge, that the delay required for an application to the High Court is likely to involve a failure of justice; such injunction to remain in force for a period not exceeding eight days as such local judge may direct; unless continued by the High Court, such injunction shall be by order to be signed, sealed and issued by the deputy registrar or deputy clerk of the crown of such county, upon the direction or fiat of such local judge, and such injunction shall have the same force and effect and may be continued, varied, dissolved and otherwise dealt with by the High Court as if it had been originally granted by judgment or order of the High Court. 52 V., c. 11, s. 1.

(3) In any action in which a local judge of the High Court has granted an interlocutory injunction under the next preceding sub-section, and in which all parties interested consent thereto, the local judge may hear, determine and dispose of any motion to continue, vary, dissolve or otherwise deal with the injunction, including such terms and conditions as to costs and other like matters as the local judge sees fit, and the judgment or order of or directed by the local judge shall be signed, sealed and issued by the said deputy registrar or deputy clerk of the crown, and shall have the same force and effect as a judgment or order of the High Court.

Powers of
local judges as
interlocutory
injunctions.

(4) Any person affected by any such decision, judgment or order of a local judge may appeal therefrom to a divisional court of the High Court. The appeal shall be brought within the time and upon the like notice and proceedings as in cases of appeals from orders and decisions of local judges in chambers. 56 V., c. 11, s. 1.

Appeal to be
to high court.

(5) Every local judge of the High Court shall, in actions brought and proceedings taken in his county, possess the like powers as a judge of the High Court sitting in court, with re-

Powers of
local judges
as judges of
the high court
in certain
cases.

gard

gard to hearing, determining and disposing of the following proceedings and matters, in case there are no infants who may have an adverse interest as respects such proceedings or matters; but in case there are such infants the consent of the official guardian shall be necessary and sufficient, viz. :—

(a) Motions for judgment and all other motions, matters and applications (not including trials of actions) where all parties agree that the same shall be heard before such local judge or where the solicitors for all parties reside in such county; but this shall not apply to applications for payment of money out of court or for dispensing with payment of money into court unless it appears that no infants are concerned or unless the official guardian is a consenting party on behalf of such infants.

(b) Motions for judgment in undefended actions.

(c) Motions to appoint receivers after judgment by way of equitable execution.

(d) Applications for leave to serve short notice of a motion to be made before a judge sitting in court.

And the judgment or order of or directed by the local judge in any of the proceedings and matters in this sub-section referred to shall be entered, signed, sealed and issued by the deputy registrar or deputy clerk of the crown of the county and shall be and have the same force and effect and be enforceable in the like manner as a judgment or order of the High Court in other cases.

Provided that any person affected by any such decision, judgment or order of a local judge under paragraphs (a), (b) and (c) may appeal therefrom to a divisional court of the High Court, and such appeal shall be brought within the time and upon the like notice and proceedings as in cases of appeals from orders and decisions of local judges in chambers. 57 V. c. 20, ss. 11 and 13.

TRANSFERRING CAUSES FROM COUNTY OR DIVISION COURTS TO HIGH COURT.

Transfer to high court from county and division courts.

186. In cases before any county or division court where the defence or counterclaim of the defendant involves matter beyond the jurisdiction of the court, the High Court or any division or judge thereof, may on the application of any party to the proceeding, order that the whole proceeding be transferred from such court to the High Court, or to any division thereof; and in such case the record in such proceeding shall be transmitted by the clerk or other proper officer, of the county or division court to the said High Court; and the same shall thenceforth be continued and prosecuted in the said High Court as if it had been originally commenced therein. R. S. O., 1887, c. 44, s. 153.

MISCELLANEOUS.

187.—(1) Every order in council determining the commutation allowance or the salary of any judge, official guardian or other officer, under the authority of this Act, shall be laid before the House of Assembly forthwith, if the Legislature is in session at the date of the order, and if the Legislature is not then in session, the order shall be laid before the said House within the first seven days of the session next after the order in council is made.

Order in council as to allowances and salaries subject to ratification by Legislative Assembly.

(2) In case the Assembly at the said session, (or, if the session does not continue for three weeks after the said order is laid before the House, then at the ensuing session of the Legislature,) disapprove by resolution of such order in council, either wholly, or so far as relates to any of the persons therein named, the order in council, so far as so disapproved of, shall have no effect from the time of such resolution being passed. R. S. O., 1887, c. 44, s. 159.

188. This Act shall not affect the issue of any commissions of assize, nisi prius, oyer and terminer, gaol delivery, or other commission for the discharge of civil or criminal business on circuit or otherwise; or the authority of a judge or a retired judge of any of the superior courts, or a judge of a county court, or one of Her Majesty's counsel learned in the law, to preside without any commission at any court of assize, oyer and terminer, and general gaol delivery, or at a court held under this Act in the exercise of the jurisdiction now belonging to the courts of assize, oyer and terminer, and general gaol delivery, or the authority of any such judge or retired judge of a superior or county court, or counsel learned in the law, to hold any sitting for the hearing of causes; and any such judge or counsel shall after the commencement of this Act have the same authority to preside as aforesaid, or to hold any sitting of the High Court for the hearing of causes in the High Court respectively, which such judge or counsel has to preside at courts of assize, oyer and terminer, and general gaol delivery, and any such judge or counsel when presiding as aforesaid with or without a commission, or when holding any sitting as aforesaid, shall be deemed to constitute a court. R. S. O., 1887, c. 44, s. 160.

Saving as to circuits, etc.

189. Every person shall hereafter have access to and be entitled to inspect the several books of the High Court and of the county courts, containing records or entries of the writs issued, judgments entered, and chattel mortgages and bills of sale filed; and no person desiring such access or inspection shall be required, as a condition to his right thereto, to furnish the names of the parties or the style of the causes or matters in respect of which such access or inspection is

All books in which writs, judgments, etc., are entered to be open to inspection.

sought;

sought; and the registrars and deputy-registrars of the High Court and all clerks of the county courts of the Province respectively, shall, upon demand or request, produce for inspection any writ of summons or copy thereof, and any judgment roll, or chattel mortgage, or bill of sale so issued, entered or filed in their respective offices, or of which records or entries are, by law, required to be kept in such several books of the High Court and county courts respectively. R. S. O., 1887, c. 44, s. 161.

Fees.

190. The fees payable in respect of such inspection of books shall be twenty-five cents as for a general search, and ten cents for each writ of summons, judgment roll, chattel mortgage or bill of sale so inspected, and ten cents per folio shall also be payable for all extracts, whether made by the person who makes the search or by the officer. R. S. O., 1887, c. 44, s. 162.

This Act not to apply to criminal and other matters.

191. Nothing in this Act shall affect the practice or procedure in criminal matters, or matters connected with Dominion controverted elections, or proceedings on the Crown or revenue side of the Queen's Bench or Common Pleas Divisions. R. S. O., 1887, c. 44, s. 163.

Enactments repealed.

192. The Acts and parts of Acts in the schedule hereto are hereby repealed to the extent mentioned in the said schedule.

SCHEDULE

Of Acts and parts of Acts repealed (see sec. 192.)

Act.	Extent of repeal.
Revised Statutes of Ontario, chapter 44..	The whole.
52 Vict. c. 10	Sections 3, 4 and 12.
52 Vict. c. 11	Section 1.
53 Vict. c. 14	The whole.
53 Vict. c. 15	The whole.
53 Vict. c. 20	Section 2.
54 Vict. c. 11	The whole.
54 Vict. c. 12	The whole.
54 Vict. c. 13	The whole.
56 Vict. c. 11	The whole.
57 Vict. c. 19	The whole.
57 Vict. c. 20	The whole except section 9, and section 12, so far as the same relates to county courts.
57 Vict. c. 25	The whole.

CHAPTER 13.

An Act for diminishing Appeals and otherwise improving the Procedure of the Courts.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Law Courts Act, 1895*, and sections 4 to 7 inclusive, section 9, sections 17 to 39 inclusive, and sections 41, 42 and 52 shall go into effect immediately upon the passing of this Act, but the remaining sections of this Act shall not go into effect until such day not before the first day of September, 1895, as the Lieutenant-Governor in Council may by order in council appoint.

Short title.

Commence-
ment of Act.

ONE APPEAL ONLY.

2. After this Act goes into force there shall not be more than one appeal in this Province from any judgment or order made in any action or matter; save only at the instance of the Crown in a case in which the Crown is concerned; and save in certain other cases hereinafter specified.

Only one
appeal to be
allowed.

SECURITY FOR COSTS OF APPEAL.

3. On an appeal to the Court of Appeal from any court or judge, or on an appeal from a single judge or from a county court or county court judge to a divisional court of the High Court, no security shall be required for costs or damages, unless such security is specially ordered by the court to which the appeal is made or a judge thereof.

Security for
costs not to be
required un-
less ordered.

HIGH COURT JUDGES SITTING IN APPEAL.

4. In case of judges not having been chosen by the judges of the Supreme Court, as mentioned in section 11 of *The Judicature Act*, or in case of the judge or judges chosen not being available, the senior President of one of the Divisions of

Judges of
High Court
sitting in
Court of Ap-
peal under
Rev. Stat. c.
44, s. 11.

the

the High Court shall sit in the Court of Appeal where one judge only is needed for the High Court, the two senior Presidents where two are needed, and the three Presidents where three judges are needed. Any other judge of the High Court may sit in the place of one of the Presidents by arrangement between such other judge and the President whose duty it is to sit as aforesaid.

Duty in Court of Appeal to have precedence over other work of High Court judge.

5. Where a judge of the High Court is selected under section 11 or section 12 of *The Judicature Act*, or is appointed by or under this Act, to sit in the Court of Appeal, the business of the Court of Appeal shall thenceforward have precedence of all other judicial duty of such judge.

Appeals from single judge may be heard by three judges.

6. In the case of appeals from a single judge sitting in court or otherwise to the Court of Appeal, three judges of the Court of Appeal shall be sufficient to hear and dispose of the case, if the court thinks fit to proceed therewith without the presence or assistance of a fourth judge.

Judges selected to sit in Court of Appeal until other selection made.

7. Judges of the High Court to whom at any time shall fall the duty of sitting in the Court of Appeal, or in a divisional court thereof, shall continue to be the judges to perform such duty until a selection, or new selection (as the case may be), shall be made by a majority of the judges of the Supreme Court.

PROCEDURE OF COURT OF APPEAL.

Notice of motion, setting down appeal.

8.--(1) An appeal to the Court of Appeal shall be by notice of motion setting forth the grounds of the appeal, and such notice shall be given, and the appeal shall be set down, for the first day of the sitting of the Court of Appeal commencing after the expiration of one month from the date on which judgment has been signed, or for such later day in any case as the Court of Appeal or a judge thereof may allow. The notice shall be served within one month after the judgment complained of, or within such further time as the Court of Appeal or a judge thereof may allow.

(2) In cases of such notice of appeal being so given and the appeal set down as aforesaid, and notice thereof signed by the Registrar of the Court of Appeal being given to the sheriff where a writ of execution is in his hands, the execution of the judgment or order appealed from shall be stayed pending the appeal, unless otherwise ordered by the court or judge appealed from or by the court to which the appeal is made or a judge thereof; and the order may be on such terms as the court or judge applied to thinks fit.

Printed appeal books not necessary.

(3) Printed appeal books shall not be necessary; but the court appealed from or a judge thereof, or the Court of Appeal

Appeal or a judge thereof, may for special reasons order the printing of any documents, proceedings or other papers in any case for the use of the court; or the same may be printed by consent of the parties interested in the appeal.

(4) In the case of the same being printed without any order or consent, the party printing shall in any event bear the costs thereof, so far as the same exceed the cost of necessary type-written copies. Cost of unnecessary printing.

EFFECT OF JUDICIAL DECISIONS.

9.—(1) The decision of a Divisional Court of the Court of Appeal on a question of law or practice shall, unless overruled or otherwise impugned by a higher court, be binding on the Court of Appeal and all divisional courts thereof as well as on all other courts and judges and shall not be departed from in subsequent cases without the concurrence of the judges who gave the decision, unless and until so overruled or impugned. Decision of divisional court of Court of Appeal to bind Court of Appeal and all divisions thereof.

(2) It shall not be competent for the High Court or any judge thereof in any case arising before such court or judge to disregard or depart from a prior known decision of any court or judge of co-ordinate authority on any question of law or practice without the concurrence of the judges or judge who gave the decision; but if a court or judge deems the decision previously given to be wrong and of sufficient importance to be considered in a higher court, such court or judge may refer the question to such higher court. Decision of court of co-ordinate authority to be binding.

DIVISIONS OF THE HIGH COURT.

10. The Queen's Bench, Chancery, and Common Pleas Divisions of the High Court shall not sit or give judgments as such divisions; (except for the purposes of the Criminal Code, 1892) and there shall not be divisional courts of any of the said divisions; but the divisional courts shall be divisional courts of the High Court, without reference to the said divisions. Divisional courts to be divisional courts of High Court.

JURISDICTION OF THE HIGH COURT.

11. Subject to section 68 of *The Judicature Act*, an appeal shall lie to a divisional court of the High Court instead of as heretofore provided by any statute or rule of court, in the following cases:

- (1) From judgments or orders made in actions or matters in the High Court by a judge in chambers, and from judgments or orders made by the master in ordinary Orders of judge in chambers, masters, local judges, etc.

ordinary the master in chambers a local judge, a district judge, a stipendiary magistrate, or a local master;

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|----------------------------------|---|
| Reports of masters and referees, | (2) From the certificates or reports of masters and official referees; |
| Order of single judge. | (3) From any judgment or order of a judge of the High Court in court. |
| Under Rev. Stat. c. 47. | (4) From county and district courts, as provided in <i>The County Courts Act</i> ; |
| Under Rev. Stat. c. 50, 137. | (5) From surrogate courts or a surrogate judge, as provided in <i>The Surrogate Courts Act</i> , and <i>The Act respecting Infants</i> ; |
| Under Rev. Stat. c. 57. | (6) From division courts, as provided in <i>The Division Courts Act</i> . |
| Under Rev. Stat. c. 91. | (7) From provisional judicial district courts, as provided in <i>The Unorganized Territories Act</i> . |
| Under Rev. Stat. c. 91. | (8) From stipendiary magistrates, as provided in section 31 of <i>The Unorganized Territories Act</i> ; |
| Under Rev. Stat. c. 194. | (9) From a judge of a county court upon an appeal from a conviction or order arising out of or under <i>The Liquor License Act</i> , as provided in the said Act; |
| Under Rev. Stat. c. 119. | (10) From a judge of a county court, as provided in <i>The Act respecting Water Privileges</i> ; |
| Under Rev. Stat. c. 120. | (11) From a judge of a county court, or stipendiary magistrate, as provided in the <i>Act respecting the public interests in Rivers, Streams and Creeks</i> . |
| Under Rev. Stat. c. 144. | (12) From a judge of a county court as provided by <i>The Act respecting Over-holding Tenants</i> . |

Other matters to be heard before divisional court.

12. The following proceedings and matters shall also be heard and determined before a divisional court of the High Court; but nothing herein contained shall be construed so as to take away or limit the power of a single judge to hear and determine any such proceedings or matters in any case in which he has heretofore had power to do so, or so as to require any interlocutory proceedings therein heretofore taken before a single judge to be taken before a divisional court:—

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| When statute declares decision of court to be final. | (1) Proceedings directed by any statute to be taken before the court in which the decision of the court is final. |
| <i>Habeas corpus</i> cases. | (2) Cases of <i>habeas corpus</i> in which the judge directs that a motion for the writ, or the writ, be made returnable before a divisional court. |
| Applications for new trial in jury cases. | (3) Application for new trials in the High Court where the action has been tried with a jury. |

- (4) Other cases where all parties agree to the same being heard before a divisional court. By agreement of parties.

NO APPEALS FROM HIGH COURT.

13.—(1) No appeal shall lie from any judgment or order of a divisional court, except as hereinafter provided. No appeal to lie from divisional court.

(2) In case, after this Act goes into effect, a party appeals to a divisional court of the High Court in a case in which an appeal lies to the Court of Appeal, the party so appealing shall not be entitled to afterwards appeal from the said divisional court to the Court of Appeal, but any other party to the action or matter may appeal to the Court of Appeal from the judgment or order of the divisional court. Party appealing to divisional court not to appeal, but other parties may.

(3) In other cases an appeal to the Court of Appeal shall not lie from the judgment or order of a divisional court pronounced on an appeal to such divisional court, except by special leave first obtained upon an application to such divisional court, or the judge whose judgment or order is in question, or to the Court of Appeal or a judge thereof. Appeal on special leave to Court of Appeal.

(4) The granting or refusing of such leave shall be in the discretion of the court or judge applied to therefor, in view of all the circumstances; and in case of such leave being granted, such terms and conditions may be imposed as the court or judge sees fit; but such leave shall not be granted unless, besides being in the opinion of the court or judge a proper case for the granting of the leave, the case falls within one or more of the following cases, that is to say:

Where the matter in controversy on the proposed appeal exceeds the sum or value of \$1,000, exclusive of costs; or involves indirectly or otherwise that sum or value; or involves the validity of a patent; or where the judgment or order involves a question of law or practice on which there have been conflicting decisions or opinions by the High Court of Justice, or by judges thereof; or where a judgment or order is in regard to a matter of practice, but affects the ultimate rights of parties to the action to the extent of the said sum or value; or where there are other sufficient special reasons for treating the case as exceptional and allowing a further appeal.

14. Subject to the exceptions and provisions contained in this Act, an appeal shall lie to the Court of Appeal from every judgment, order or decision of the High Court whether the judgment, order or decision was that of a divisional court or of a judge in court, and including cases tried with a jury where the appellant complains of the judgment, and asks in the alternative for a new trial. Appeals to Court of Appeal.

SITTINGS OF HIGH COURT.

Divisional
courts, how
composed.

15. Every divisional court of the High Court shall be composed of three judges. No judge shall sit as a judge on the hearing of an appeal from any judgment or order made by himself.

Sittings of
divisional
courts.

16. There shall be a sitting of a divisional court of the High Court every month, except during the long vacation, and such sitting shall begin on the first Monday of the month unless the first Monday is a holiday or is in any vacation; and in any such excepted case the sitting shall begin on the first juridical day thereafter.

(2) Every monthly sitting shall continue from day to day until all the business thereof is disposed of.

(3) The judges of the High Court or a majority of them may arrange in what order the judges of the High Court shall hold the said sittings.

(4) If no arrangement is made, or subject to any arrangement so made, the presiding judge shall wherever practicable be a President of one of the Divisions of the High Court; and the Presidents shall preside at the said monthly sittings successively in order of their seniority; and two other judges of the High Court in rotation and in order of seniority shall be associated with one of the said Presidents in holding every such sittings.

(5) A divisional court of the High Court may sit oftener than monthly, and two or more divisional courts of the High Court may sit at the same time, whenever, in the opinion of a majority of the judges of the High Court, the same is necessary for the due despatch of business.

(6) Nothing in this section is to be construed as preventing any judge from sitting in a divisional court by mutual arrangement, or in the absence of the judge whose turn it may be to sit; and nothing in this Act is to be construed as making irregular any sitting or any proceeding thereat by reason of the court not being constituted as hereinbefore mentioned, provided that the sitting is held by the proper number of judges.

(7) Where a judge has heard a case in a divisional court and is not present at the time of the judgment being delivered his written judgment may be read by one of the other judges of such divisional court, and shall have the same effect as if he were present.

SITTINGS FOR TRIALS.

17. All non-jury actions in any county may be entered for trial at any sittings of the High Court in such county, except in the county of York. Entering non-jury actions for trial.

18. At the sittings of the High Court or assize in any county town there shall be a general docket in addition to the docket of cases entered for trial, and such general docket may include all motions, petitions, proceedings and other matters which may be heard by a judge in court or in chambers in the cases following, namely: where the solicitors consent, or where the matter in controversy arose in the county, or where the party opposing or showing cause in the matter, or his solicitor, resides in the county. Such general docket shall be disposed of after the trial of causes. General docket after sittings of High Court or assize.

19. No sitting for the trial of causes shall begin before nine o'clock in the forenoon, nor, except for special reasons, extend beyond seven o'clock in the evening, with at least a half-hour's intermission at or near noon. An irregularity under this section shall not render any trial or other proceeding void. Hours for sittings.

20. In case of a reference by the judge at the trial of any action to a county judge, or to the registrar or deputy registrar, deputy clerk of the crown, local master or other officer of the court, paid wholly or partly by salary, of any matter which it would be competent for such judge to himself try at the said trial, no fees are to be allowed to such referee. This section does not apply to references made in pursuance of the ordinary practice of the court of chancery before *The Judicature Act*. Compulsory references. Rev. Stat., c. 44.

21. Every action in the High Court shall be tried in the county in which the cause or action arises in case all the parties to such action reside in that county, provided always that a judge of the High Court may, on application by either party to the action, and for good cause shown, order the action to be tried in another county, on such terms as to him may seem proper. Where actions to be tried.

WEEKLY SITTINGS AT OTTAWA AND LONDON.

22. Upon the written request of a majority of the practising solicitors resident at Ottawa or London, or either of them, the judges of the High Court may by rule, passed as provided by section 107 of *The Judicature Act*, substitute monthly or semi-monthly sittings in either or both of the said cities, as the case may be, in lieu of the weekly sittings required to be held under the *Act to facilitate the Local Administration*. Rules as to sittings at Ottawa and London. Rev. Stat., c. 44.

ministration of Justice in certain cases, passed in the 57th year of Her Majesty's reign, and chaptered 20. Every such rule may be rescinded, altered and restored like other general rules and orders.

COUNTY COURTS AND LOCAL JUDGES.

Jurisdiction
in over hold-
ing tenant
cases.

Rev. Stat.
c. 144, s. 3,
amended.

57 V. c. 20, s.
3, amended.

23. Subject to appeal as in other cases, local judges of the High Court shall have jurisdiction over all questions arising under *The Over-Holding Tenants' Act*, and the words "without colour of right" in the said Act are hereby cancelled.

(2) Section 3 of the said Act is amended by striking out the words "without colour of right" and "without any colour of right" wherever the same occur in said section.

57 V. c. 20, s.
5, amended.

(3) Section 5 of the said Act is amended by striking out the words "holds without colour of right" wherever the same occur in said section and substituting therefor the words "wrongfully holds."

57 Vic. c. 20, s.
11, sub-s. 5 (a)
amended.

24. The Act intituled *An Act to facilitate the Local Administration of Justice in certain cases* is amended by inserting in the 11th section, sub-section 5 (a) after the words "local judge" in the fourth line of such sub section the words "or when the solicitors for all parties reside in such county."

Order for pay-
ment out of
court.

25. In case of an order being made by any authority other than that of a judge of the High Court for payment of money out of court, the accountant before acting thereon shall apply to a judge of the High Court for his approval, which he may manifest by signing his initials to the order with or without any other words, and before approving the High Court judge, if he sees occasion, may call for any of the papers in the cause, or if necessary require the solicitor who obtained the order, or his agent, to attend before such judge to give any explanation or information the judge may think necessary.

Junior judge
not to be ap-
pointed unless
population ex-
ceeds 80,000.
Rev. Stat. c.
46, s. 4,
amended.

26. No junior judge shall hereafter be appointed for or in any district, county or union of counties, unless the population of the district, county or union of counties exceed eighty thousand, according to the official census then last taken, and sub-section 2 of section 4 of *The Local Courts Act* is amended by substituting the word "eighty" for the word "forty." R. S. O., c. 46, s. 4 (2).

Qualification
of county
judge.

27. The person hereafter appointed to be a judge of a county court shall be a barrister of at least ten years' standing at the bar of Ontario; and section 3 of *The Local Courts Act* is amended by substituting the word "ten" for the word "five."

SERVICE OUT OF JURISDICTION.

28. Service out of the jurisdiction of a writ of summons or notice of a writ of summons or other document by which a matter or proceeding is commenced may be allowed by the court or a judge where the action is not for any matter within any of the classes for which service out of the jurisdiction is now provided, but it appears to the satisfaction of court or judge that the plaintiff has a good cause of action against the defendant upon a contract or judgment and that the defendant has assets in Ontario of the value of \$200 at least, which may be rendered liable to the judgment in case the plaintiff should recover judgment in the action; and if the defendant does not appear the court or a judge is to give any directions which the court or judge from time to time sees fit as to the manner of proceeding in the action and the conditions on which the same may be proceeded with, and shall require the plaintiff before obtaining judgment to prove his claim and the amount of debt or damages claimed by him in the action, either before a judge or jury upon an assessment in the usual mode, or in such other mode, having regard to the nature of the case, as the court or judge may direct.

Service out of jurisdiction.

IMPRISONMENT FOR CONTEMPT OF COURT.

29. In case an attachment has been issued under any order of the court or a judge that any person be committed to gaol for contempt of court, and there to be detained and imprisoned until such person shall have purged his said contempt, if it be made to appear that such person is in actual custody under such attachment the court or judge may, upon such notice as may be directed, modify and change the order and limit the term of imprisonment under such attachment or grant such other relief as may in the nature and circumstances of the case seem just, but any relief that may be granted to any such person shall not relieve him from any civil liability to any other person or persons.

Relief of persons imprisoned for contempt.

SURROGATE COURTS.

30. The 19th of the Surrogate Rules adopted by the judges of the Supreme Court of Judicature for Ontario is hereby limited to cases in which a party interested in an estate takes proceedings to obtain such inventory and accounting as therein mentioned, or in which infants are interested in such inventory and accounting.

Limiting application of Surrogate Rules.

WRITS OF EXECUTION.

31. Notwithstanding anything contained in the Act passed in the last session of the Ontario Legislature intituled

Renewal of writs of execution under 57 V. c. 26.

An

An Act respecting Writs of Execution, a writ may be renewed from time to time for periods of three years in the same manner as a writ of execution before the passing of the said Act was renewed from year to year; and the word "four" is hereby substituted for the word "two" in sub-section 6 of section 53 of *The Land Titles Act*, such substitutions to take effect from the first day of January, 1895, except as to any instruments which have heretofore been lodged for registration under the said *Land Titles Act*.

Equity of redemption in stock to be liable to seizure under execution.

Rev. Stat. c. 64 amended.

32. An equity of redemption in shares or dividends of a stockholder in an incorporated bank or other incorporated company in this Province having transferable joint stock shall be liable to be seized and sold under execution; and *The Execution Act* is hereby amended by inserting after the words "stockholders" in the first line of section 9 of the said Act the words "or any equity of redemption in any such shares or dividends," and the following sub-section is added to section 16 of the said Act: "(2) The words 'goods and chattels' in this section mean and include shares and dividends of stockholders in any incorporated bank or other incorporated company in Ontario having transferable joint stock."

DISTRICT COURTS.

Mechanics' Liens.

Enforcing mechanics' liens in district courts under 53 V. c. 37.

33. The procedure for enforcing mechanics' liens where there is no county organization shall be in the district court of the district, and the Act intituled *An Act to simplify the Procedure for Enforcing Mechanics' Liens* shall be read as if in the second section thereof the words "or district" were inserted therein after the word "county," and as if in the thirty-second section the words "or district court of the district" were inserted after the word "county," and as if corresponding words were inserted in form eleven in the said Act.

Rainy River District.

District attorney for Rainy River.

34.—(1) The Lieutenant-Governor may appoint a district attorney for the district of Rainy River who shall keep his office at Rat Portage.

(2) The said district attorney shall perform in cases arising within the district of Rainy River all the duties required to be performed by county crown attorneys under and in pursuance of the *Act respecting County Crown Attorneys*, or any Acts amending the same, or in pursuance of regulations made thereunder.

Gaol at Sudbury.

35. The gaol or lock-up at Sudbury shall be a gaol for Nipissing and Algoma.

SOLICITORS.

36. In case a solicitor resides in some part of a county other than the county town, and has not an office in the county town, he may enter in the solicitors' and agents' book kept by the deputy registrar, deputy clerk of the Crown or local registrar the name of an agent, being a solicitor of the Supreme Court and having an office in the county town upon whom may be served all writs, pleadings, notices, orders, warrants and other documents, and written communications in relation to proceedings conducted in the office of the local master, deputy clerk, deputy registrar or local registrar of the county.

Agents in county towns of solicitors residing elsewhere in county.

37. So much of the 35th and 36th sections of the *Act respecting Solicitors* as relate to the costs of the reference are hereby repealed, and such costs shall hereafter be in the discretion of the court or judge or of the taxing officers subject to appeal.

Rev. Stat. c. 147, ss. 35, 36 repealed in part.

38. It is hereby declared that sections 49 to 52 of the *Act respecting Solicitors* were intended to apply and do apply to all business by solicitors connected with sales, purchases, leases, mortgages, settlements and other matters of conveyancing.

Application of sections 49-52 of Rev. Stat., c. 147.

39.—(1) In lieu of personal service of a subpoena on a party for his examination, service of an appointment upon his solicitors will be sufficient if made seven days before the day appointed for the examination; and the conduct money may be paid or tendered to the solicitor.

Service of appointment for examination. Tender of conduct money.

(2) In every such case the solicitor shall forthwith communicate the appointment to the party so required to attend, and shall not apply the money to any debt due to the solicitor or any other person, nor pay the same otherwise than to such party for his conduct money, nor shall the same be liable to be attached.

(3) Notwithstanding anything in this section contained, the party to be examined may be served personally with a subpoena as heretofore, in case the party desiring the examination so chooses.

STENOGRAPHERS' CHARGES.

40.—(1) To provide a fund to enable a reduction to be made to litigants for copies of evidence taken in shorthand at trials or references, a fee of \$1 shall be paid in every civil case

Reduction of costs of copying evidence.

entered for trial to the officer of the court who enters the same, and the latter shall keep a list of such causes duly entered in a book to be kept for the purpose, and shall within 48 hours after the closing of the sittings of the court make a return to the officer to be appointed for that purpose by the Lieutenant-Governor in Council of the actions so entered for trial, and of the money so paid thereon, and shall certify that the sum therewith returned is the full amount so paid to him on account of the cases entered at such sittings. The said last named officer shall keep an account thereof in a book to be kept for the purpose under the head of Shorthand Reporters' Fund, and the same shall be paid out and applied in connection with such reporting in such a manner as the Lieutenant-Governor in Council may from time to time by order provide.

(2) The Lieutenant-Governor in Council may make rules and regulations fixing the fees and charges of and payments to special examiners and stenographers and others entitled to take examinations for taking examinations for discovery or cross-examinations in the High Court and County Court, and for copies of such examinations or cross-examinations.

RULES OF COURT.

Rules of court. **41.** Subject to the provisions of this Act, there shall be the same powers of making general rules and orders with reference to the matters in this Act mentioned as *The Judicature Act* provides for with reference to the matters therein in that behalf mentioned.

Rules made under authority of Lieutenant-Governor in Council. **42.** The Lieutenant-Governor in Council may appoint some competent person or persons to devise and frame such general rules as may be necessary or useful for carrying out and giving effect to the provisions of this Act, and also if he sees fit to consolidate, or to revise and consolidate, all the rules of practice of the High Court, or of the High Court and Court of Appeal, as the case may be; and the rules so prepared, if approved by the judges of the Supreme Court or by the Lieutenant-Governor in Council, or such of the said rules as may be so approved, shall go into effect at such time as the said judges or the Lieutenant-Governor in Council shall direct.

ENACTMENTS REPEALED OR AMENDED.

Rev. Stat. c. 44, s. 62, sub-ss. 3, 5, ss. 44, 63, 66, 67, 69-72 repealed. **43.** Sub-sections (3) and (5) of section 62; sections 44, 63, 66, 67, 69, 70, 71 and 72 of *The Judicature Act* are repealed.

44.—(1) The following is substituted for section 41 of *The County Courts Act* :—

Rev. Stat.
c. 47, s. 41,
repealed.

1. Any party to an action in a county court may appeal to a divisional court of the High Court of Justice from any judgment directed by a judge of the county court to be entered at or after the trial in any case tried by him either with or without a jury. Appeals to divisional courts.
2. Instead of appealing to a divisional court of the High Court of Justice either party may move before the county court within the first two days of its next quarterly sittings for a new trial or to set aside the judgment and enter any other judgment upon any ground. Motion to county court for new trial or other judgment.
3. A motion for a new trial on the ground of discovery of new evidence or the like shall be made before the county court. Moving for new trial on discovery of new evidence.
4. If a party moves before the county court under clause 2 in a case in which he might have appealed to the High Court he shall not be entitled to appeal from the judgment of the county court to the High Court, but the opposite party shall be entitled to appeal therefrom to the High Court. Party moving county court not to appeal to High Court.

(2) Section 42 of the said Act is amended by striking out the words "The Court of Appeal" where those words occur in said section, and by substituting therefor the words "A divisional court of the High Court of Justice."

Rev. Stat.
c. 47, s. 42,
amended.

(3) Section 43 of the said Act is amended by striking out all the words after the word "thereon" in the third line thereof.

Rev. Stat.
c. 47, s. 43,
amended.

(4) Section 44 of said Act is repealed and the following substituted :—

Rev. Stat.,
c. 47, s. 44,
repealed.

44. On an appeal the Divisional Court may set aside any judgment which may have been directed to be entered or may have been signed, and direct any other judgment to be entered or direct a new trial to be had and make any other order as to such court may appear requisite and just.

Order of divisional court on appeal.

(5) Section 51 of the said Act is amended by striking out the words "Upon the bond being so approved or the deposit being paid into court" in the first and second lines thereof; and by striking out the words "the Court of Appeal," in the third line and substituting therefor the words "the proper officer of the High Court."

Rev. Stat.
c. 47, s. 52,
amended.

Rev. Stat.
c. 47, s. 51,
amended.

Setting down
appeals.

(6) Section 52 of the said Act is amended by striking out all the words from the beginning down to and inclusive of the word "court" where it first occurs in the fourth line thereof and by substituting therefor the words "The appeal shall be set down for argument at the first sittings of a divisional court of the High Court of Justice which commences after the expiration of one month from the judgment, order or decision complained of and the divisional court."

Rev. Stat. c.
47, ss. 41, 46-50
53 V. c. 16,
and 54 V. c. 12
repealed.

(7) Sections 41, 46, 47, 48, 49 and 50 of said Act and the Act passed in the 53rd year of Her Majesty's reign and intituled *An Act to amend the County Courts Act*, and the Act passed in the 54th year of Her Majesty's reign and intituled *An Act to reduce the cost of Appeals from the County Courts to the Court of Appeal*, are hereby repealed.

Rev. Stat.
c. 50, s. 33,
amended.

45. Section 33 of *The Surrogate Courts Act* is amended by striking out the words "to the Court of Appeal" in the heading before said section, and by striking out the words "Court of Appeal" in the sixth line of said section, and by substituting therefor the words "a Divisional Court of the High Court" and by striking out the words "or to a single judge of such court" in the 6th and 7th lines, and the words "of Appeal or judge" in the 10th line, and all the words of said section after "\$200" in the 14th line.

Rev. Stat.
c. 137, s. 19,
amended.

46. Section 19 of the *Act respecting Infants* is amended by striking out the words "the Court of Appeal or a judge thereof" in said section, and by substituting therefor the words "a Divisional Court of the High Court of Justice."

Rev. Stat.
c. 51, s. 148,
amended.

47. Section 148 of the *Division Courts Act*, is amended by striking out the words "the Court of Appeal" wherever the same occur in said section, and substituting therefor the words "a Divisional Court of the High Court of Justice," and by striking out the words "and the giving and perfecting of the security."

Rev. Stat.
c. 51, s. 149,
and 53 V. c.
19, repealed.

(2) Section 149 of the said Act, and the Act passed in the 53rd year of Her Majesty's reign and intituled *An Act to amend The Division Courts Act*, are repealed.

Rev. Stat.
c. 51, s. 151,
repealed.

(3) Section 151 of the said *Division Courts Act* is amended by striking out the following words at the beginning thereof, viz: "Upon the bond being approved by the judge or the deposit being paid into court."

Rev. Stat.
c. 51, s. 152,
repealed.

(4) Section 152 of the said Act is repealed and the following substituted therefor:—

Procedure
upon appeal
from division
court.

152. The appellant shall, within two weeks after the date of the decision complained of or at such other time as the judge of the said County Court may by order in that behalf

provide,

provide, file the said certified copy with the proper officer of the High Court and shall thereupon forthwith set down the cause for argument at the first sittings of a Divisional Court which commences after the expiration of one month from the decision complained of, and shall give notice thereof and of the appeal and of the grounds thereof, to the respondent, his solicitor or agent, at least seven days before the commencement of such sittings; and the Divisional Court shall have power to dismiss the appeal or to give any judgment and make any order which ought to have been made, and shall give such order or direction to the court below touching the decision or judgment to be given in the matter as the law requires, and shall also award costs in its discretion which costs shall be certified to and form part of the judgment of the court below, and upon receipt of such order, direction and certificate, the court below shall proceed in accordance therewith.

(5) The following words at the end of section 153 of said Act are struck out, viz.: "Section 156 of *The Judicature Act* shall not apply to appeals made under this Act." Rev. Stat.
c. 51, s. 153,
amended.

48.—(1) Sections 31 and 34 of *The Unorganized Territories Act* are amended by striking out the words "the Court of Appeal" where the same occur therein and substituting the words "a Divisional Court of the High Court of Justice." Rev. Stat.
c. 91, ss. 31,
34, amended.

(2) Section 33 of the said Act is repealed.

Rev. Stat.
c. 91, s. 33,
repealed.

49. Section 15 of the *Act respecting Water Privileges* is repealed and the following substituted:— Rev. Stat.
c. 119, s. 15,
repealed.

15. Subject to the provisions hereinafter contained, there shall be an appeal from the final order or judgment of the County Judge on any application under this Act, to a Divisional Court of the High Court of Justice; the decision of the County Judge upon a question of fact or other question shall be open to revision on such appeal. Appeal from
county judge
to divisional
court.

(2) Section 16 of said Act is amended by striking out the word "said" in the second line thereof and substituting therefor the word "High." Rev. Stat.
c. 119, s. 16,
amended.

(3) Section 18 of said Act is amended by striking out the words "or Judge" in the second line thereof. Rev. Stat.
c. 119, s. 18,
amended.

50. Section 119 of *The Liquor License Act* is amended by striking out the words "the Court of Appeal" in the second line thereof, and by substituting therefor the words "a Divisional Court of the High Court of Justice," and by striking out the words "Registrar of the Court of Appeal" in the 19th and 20th lines of said section and substituting the words "proper officer of the High Court of Justice."

Rev. Stat.
c. 194, s. 119,
amended.

Rev. Stat.
c. 120, s. 15,
repealed.

51. Section 15 of the *Act for Protecting the Public Interest in Rivers, Streams and Creeks* is hereby repealed and the following substituted therefor :—

Appeal to di-
visional court.

15. In case a party interested is dissatisfied with the order or judgment of the judge or stipendiary magistrate, he may within 15 days from the date thereof appeal from the order or judgment to a Divisional Court of the High Court; and a judge of the said court shall determine the time within which the appeal shall be set down to be heard, the security (if any) to be given by the appellant, and the persons upon whom notice of the appeal shall be served, the manner of service, and all such other matters as he may deem necessary for the most speedy and least expensive determination of the matter of the appeal.

Rev. Stat.
c. 120, s. 17,
amended.

(2) Section 17 of said Act is amended by striking out the words "Judge to whom" in the second line and substituting the words "Court to which," and by striking out the words, "the Judge to whom the appeal is made" in the third and fourth lines and substituting the words "a Judge of the High Court as aforesaid."

APPLICATION OF THIS ACT.

Act incorpor-
ated with Rev.
Stat. c. 44,
and other
Acts.

52. This Act shall be read as part of *The Judicature Act* and the Acts amending the same, so far as this Act affects any of the provisions of the said Act or Acts; and shall also be read as part of the several other Acts hereinbefore mentioned, so far as this Act affects any of the provisions of the said several other Acts.

CHAPTER 14.

An Act respecting Division Court Executions.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 1 of the Act passed in the 57th year of Her Majesty's reign, chaptered 26, intituled *An Act respecting Writs of Execution*, is amended by inserting before the word "every" in the first line thereof, the words "excepting all writs of execution issued from, or that may hereafter be issued from, the division courts." 57 V., c. 26, s. 1 amended.

2. Section 3 of said Act is hereby repealed and the following substituted therefor : "On every writ of execution issued from a division court against lands, the sheriff shall be entitled to the same fees as upon writs of execution issued against lands and tenements from a county court." 57 V., c. 26, s. 3, repealed.
Fees on writ
against lands.

CHAPTER 15.

An Act affecting Jurors and Juries.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 12,
s. 2 amended.

1. Section 2 of the Act intituled *An Act reducing the Number of Grand Jurors*, passed in the 55th year of Her Majesty's reign, chaptered 12, is amended by inserting the words "and for the general sessions of the peace" immediately after the words "gaol delivery" in the third line thereof.

Rev. Stat. c.
52, s. 140,
amended.

2 Section 140 of *The Jurors' Act* is amended by adding thereto the following as subsections 1, 2 and 3 of the said section.

Jurors attending on Saturdays and Mondays to receive their day's pay.

(1) When a grand or petit juror not residing in a county town actually attends the sittings of the court as such juror on Saturday and on the Monday following, the Sunday intervening shall be included in the pay list by the sheriff, and the juror shall be entitled to be paid for such day.

Absence of jurors not residents of county town by permission of judge.

(2) Where jurors, who do not reside in the county town, are in attendance at court and are informed by the presiding judge that their attendance at court will not be required for several days and they are at liberty to return home, or where a grand jury adjourns for a period of two days or more, their per diem allowance as jurors shall not be deducted on account of or during such absence for a period not exceeding two days, but they shall be paid as though actually in attendance for such two days.

Mileage in lieu of pay.

(3) Or in lieu of such pay for Sundays or other days in the two preceding sub-sections mentioned, the juror may have the usual mileage payable to a juror for going to and returning from his place of residence in case a county council has passed or shall pass a by-law authorizing such mileage in any such case as aforesaid.

3. The names of the jury drafted for any panel shall be kept by the sheriff under lock and key and shall not be disclosed by any person present with the sheriff or other officer whose duty it is to draft the panel nor by the sheriff or other officer nor by his deputy or other officer or clerk, except in so far only as it may be necessary so to do, in order to prepare the lists of the panel and serve the jury summons, until six days before the sittings of the court for which the list has been drafted, unless the party applying for an examination of the panel shall file with the sheriff or other officer an affidavit, made in a cause then pending, stating that he desires so to examine the same, in order to determine whether a special jury shall be struck in such suit, and that he is a party to such suit or is the solicitor for one of the parties therein, and that the examination is not desired and will not be used for any other purpose.

Jury panel to be kept by Sheriff under lock and key.

4. It shall be the duty of the sheriff at the sittings of the High Court for trials by jury and of the General Sessions of the Peace to post up in the court room and jury rooms and in the general entrance hall of the court house printed copies in conspicuous type of section 154 of the Criminal Code.

Posting up copies of sec. 154 of Criminal Code.

5. It shall be a contempt of court for any person interested in a civil suit or proceeding in any court, or his solicitor, counsel, agent or emissary during the sittings of court at which such suit or proceeding is, or is to be, entered for trial or may be tried or at any time after a juror has been summoned, knowingly, directly or indirectly to speak to or consult with a juror upon the jury panel for such court respecting such suit or proceeding, or any matter or thing relating thereto, and in the case of a solicitor or barrister or student at law or articled clerk he may in addition to any other penalty be struck from the roll of solicitors or be disbarred or suspended from the practice of his profession for a limited time or his name may be erased from the list of the law society or removed therefrom for a limited time by the divisional court upon motion at the instance and in the name of the Attorney-General for the Province. But this section shall not apply where a juror is also a party to or a known witness or interested in the suit or is otherwise ineligible as a juror in the particular suit, matter or cause, nor to anything which may properly take place in the course of the trial or conduct of the suit, matter or cause.

Tampering with jurors.

6. Section 22 of *The Jurors' Act* is amended by adding thereto as subsections 5, 6 and 7 of the said section :

Rev. Stat. c. 52, s. 22 amended.

Who to be placed on list by municipal selectors where number of names of duly qualified persons not sufficient.

(5) Where in any municipality or urban ward the number of duly qualified persons required to be selected by the county selectors from such municipality or urban ward, after discarding the names of those exempt or incapacitated, cannot be found, the municipal selectors shall place on the list the names only of such persons within the municipality as are duly qualified, and the number of jurors required shall be selected from such list.

Clerk to notify county selectors of facts.

(6) In any such case the clerk of the municipality shall notify the county selectors of the facts and they shall at their next and subsequent selections have regard thereto.

Inability of municipal selectors to find number of names required by county selectors not to affect jury panel.

(7) The inability of the selectors in any municipality or urban ward either to find twice the number of persons having the proper qualification, after discarding the names of those exempt or incapacitated, that have been required by the county selectors to be selected or returned from any municipality or urban ward which may be written down upon the sheet as by the said Act is provided, or to find the number required by the county selectors to be returned from a municipality or urban ward, shall not invalidate or render irregular the selection by them of the jury list or panel or render the same liable to challenge either as to jurors heretofore or hereafter to be selected.

CHAPTER 16.

An Act respecting the verdicts of Jurors in civil causes in the High Court and other Courts.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In all civil cases at the time of the passing of this Act or thereafter depending in the High Court of Justice or in a county court, or in any matter or cause within the jurisdiction of the Provincial Legislature, where issues are tried or where damages are assessed by a jury, it shall be sufficient if ten of the jurors empanelled for the trial or assessment shall agree, instead of twelve as heretofore required; and in such case ten jurors may give the verdict, or answer the questions submitted to the jury by the judge.

Agreement of ten jurors in verdict or answers to be sufficient.

2. Section 2 of chapter 20 of the Acts passed in the 53rd year of Her Majesty's reign is repealed and the following substituted therefor:

53 V. c. 20, s. 2, repealed.

If at the trial of any action or issue or assessment of damages now pending or hereafter brought, a juror should die or become incapacitated by illness or any other cause from continuing to sit or act on the jury, or if it should be discovered that one of the jury sworn has an interest in the result or is a relative of any of the parties to the suit within the degree of first cousin, the presiding judge, in case of such illness, interest, relationship or other cause, may discharge such juror, and may in any such cases direct that the trial or assessment shall proceed on such terms as he thinks fit with eleven jurors, and in such case ten jurors may give the verdict or answer the questions submitted to the jury by the judge.

Death or illness of juror or discovery of interest during trial.

3. A verdict rendered or question answered under the provisions of this Act shall have the same effect as the verdict or answer heretofore given by twelve jurors.

Effect of verdict or answers so given.

4. This Act shall apply to special juries and shall be read with and as part of *The Judicature Act*, and shall come into force on the 1st day of August, 1895.

Special juries. Incorporation with Rev. Stat. c. 44.

CHAPTER

CHAPTER 17.

An Act respecting Coroners.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c.
80, s. 3,
amended

When inquest
to be held in
case of death
of inmates of
house of in-
dustry.

1. Section 3 of the *Act respecting Coroners* is amended by adding thereto the following: "Provided that in the case of a death taking place in any county house of industry, such inquest shall not be necessary, unless, after notification, the county crown attorney believes that such death took place under circumstances requiring investigation."

CHAPTER 18.

An Act to amend the Act respecting the Fees of Counsel and other Officers in the Administration of Justice:

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The schedule to the *Act respecting the Fees of Counsel and other Officers in the Administration of Justice* is amended by adding after the words "each list," in item 78 of the part of the said schedule relating to clerks of the peace, the following words: "under this item the clerk of the peace is entitled to the sum of 25 cents for receiving and filing the copy of the voters' list for an entire municipality and no more."

Rev. Stat., c.
83, schedule
amended.

CHAPTER 19.

An Act to correct a clerical error in respect of a certain Form in the Act respecting Mortgages of Real Estate

[Assented to 16th April, 1895.]

Preamble.

WHEREAS section 20 of the *Act respecting Mortgages of Real Estate*, chapter 102 of the Revised Statutes, 1887, providing that no sale under the power conferred by section 18 should be made until after three months' written notice of such intended sale had been given, was amended by section 3 of the Act passed in the fifty-first year of Her Majesty's reign, chaptered 15; by substituting two months' notice in lieu of three months'; and whereas no amendment was made to the form of notice given in section 22 of the said Revised Statute; and whereas it is expedient that the said form of notice should be in conformity with the said section 20 as amended;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c.
102, s. 22
amended.

1. Section 22 of *The Act respecting Mortgages of Real Estate*, being chapter 102 of the Revised Statutes of Ontario, 1887, is amended by striking out the words "three calendar months" in the fourth line thereof and substituting therefor the words "two calendar months."

CHAPTER 20.

An Act relating to Leases, Sales and Mortgages of Settled Estates.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Settled Estates' Act 1895*. Short title.

INTERPRETATION.

2.—(1) The word “settlement” as used in this Act and in the Rules appended thereto signifies any Act of Parliament, deed, agreement, will or other instrument, or any number of such instruments, under or by virtue of which any hereditaments of any tenure or any estates or interests in any such hereditaments stand limited to or in trust for any persons by way of succession, including any such instruments affecting the estates of any one or more of such persons exclusively.

Interpretation
“Settlement.”

(2) The term “settled estates,” as used in this Act, and the said Rules signifies all hereditaments of any tenure, and all estates or interests in any such hereditaments, which are the subject of a settlement; and for the purposes of this Act a tenant in tail after possibility of issue extinct shall be deemed to be a tenant for life.

Tenant in tail
after possi-
bility of issue
extinct.

(3) All estates or interests in remainder or reversion not disposed of by the settlement, and reverting to a settlor or descending to the heir, or as upon an intestacy to the representative, of a testator, shall be deemed to be estates coming to such settlor, heir or representative under or by virtue of the settlement.

Estates in
remainder or
reversion not
disposed of by
settlement.

(4) In determining what are settled estates within the meaning of this Act and the said Rules the court shall be governed by the state of facts, and by the trusts or limitations of the settlement at the time of the said settlement taking effect.

Determining
whose are
settled
estates.

"Court."

(5) The expression "the court" in this Act and the said Rules shall mean the High Court of Justice for Ontario, but the jurisdiction hereby conferred shall be exercisable by any judge or judges of the said court subject to the provisions of *The Judicature Act* and of the Rules of the Supreme Court of Judicature.

Rev. Stat.,
c. 44.

LEASES OF SETTLED ESTATES.

Power to
authorize
leases of set-
tled estates.

3. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, to authorize leases of any settled estates, or of any rights or privileges over or affecting any settled estates, for any purpose whatsoever, whether involving waste or not, provided the following conditions be observed:

When lease
to take effect.

Firstly. Every such lease shall be made to take effect in possession at or within one year after the making thereof, and shall be for such term of years as the court shall direct, where the court shall be satisfied that it is beneficial to the inheritance to grant such a lease.

Agreements
for renewal.

Secondly. Any such lease may contain an agreement for the renewal, or renewals, thereof, if the court shall think fit, and the court may determine the length of time for which such renewal or renewals, if any, may be made.

Rent to be
reserved.

Thirdly. On every such lease shall be reserved the best rent or reservation in the nature of rent, either uniform or not, that can be reasonably obtained, to be made payable half-yearly or oftener without taking any fine or other benefit in the nature of a fine and shall be incident to the immediate reversion; provided always, that in the case of a mining lease, a repairing lease or a building lease, a nominal rent or any smaller rent than the rent to be ultimately made payable, may, if the court shall think fit so to direct, be made payable during all or any part of the first five years of the term of the lease.

Proviso.

Reservation
of rent in
leases of
earth, coal,
stone or
minerals.

Fourthly. Where the lease is of any earth, coal, stone or mineral, a certain portion of the whole rent or payment reserved, shall be from time to time set aside and invested as hereinafter mentioned, namely, when and so long as the person for the time being entitled to the receipt of such rent is a person who by reason of his estate or by virtue of any declaration in the settlement is entitled to work such earth, coal, stone or mineral for his own benefit, one-fourth part of such rent, and otherwise three-fourth parts thereof; and in every such lease sufficient provision shall be made to ensure such application of the aforesaid portion of the rent by the appointment of trustees or otherwise as the court shall deem expedient.

Fifthly.

Fifthly. No such lease shall authorize the cutting of any timber or the felling of any trees except in the ordinary course of husbandry, or so far as shall in the judgment of the court be necessary, or be made without impeachment of waste.

Cutting timber.

Sixthly. Every lease shall be by deed, and shall be in duplicate, and shall be executed by the lessor and lessee ; and every such lease shall contain a condition for re-entry on non-payment of the rent for a period of twenty-eight days after it becomes due, or for some less period to be specified in that behalf.

Form of lease.

4. Subject and in addition to the conditions hereinbefore mentioned, every such lease shall contain such covenants, conditions and stipulations as the court shall deem expedient with reference to the special circumstances of the demise.

Leases may contain special covenants.

5. The power to authorize leases conferred by this Act shall extend to authorize leases either of the whole or any parts of the settled estate, and may be exercised from time to time

Parts of settled estates may be leased.

6. Any leases, whether granted in pursuance of this Act or otherwise, may be surrendered either for the purpose of obtaining a renewal of the same or not, and the power to authorize leases conferred by this Act shall extend to authorize new leases of the whole or any part of the hereditaments comprised in any surrendered lease.

Leases may be surrendered and renewed.

7. The power to authorize leases conferred by this Act shall extend to authorize preliminary contracts to grant any such leases, and any of the terms of such contracts may be varied in the leases.

Power to authorize leases to extend to preliminary contracts.

8. The power to authorize leases conferred by this Act may be exercised by the court, either by approving of particular leases, or by ordering that powers of leasing in conformity with the provisions of this Act shall be vested in trustees in manner hereinafter mentioned.

Mode in which leases may be authorized.

9. When application is made to the court either to approve of a particular lease, or to vest any powers of leasing in trustees, the court shall require the applicant to produce such evidence as it shall deem sufficient to enable it to ascertain the nature, value and circumstances of the estate and the terms and conditions on which leases thereof ought to be authorized.

What evidence to be produced of an application to authorize leases.

After approval of a lease, court to direct who shall be lessor.

10. When a particular lease or contract for a lease has been approved by the court, the court shall direct what person or persons shall execute the same as lessor; and the lease or contract executed by such person or persons shall take effect in all respects as if he or they was or were at the time of the execution thereof absolutely entitled to the whole estate or interest which is bound by the settlement, and had immediately afterwards settled the same according to the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise, as the court shall direct.

Powers of leasing may be vested in trustees.

11. Where the court shall deem it expedient that any general powers of leasing any settled estates conformably to this Act should be vested in trustees, it may by order, vest any such power accordingly, either in the existing trustees of the settlement or in any other persons, and such powers, when exercised by such trustees, shall take effect in all respects as if the power so vested in them had been originally contained in the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise, as the court shall direct; and in every such case the court, if it shall think fit, may impose any conditions as to consents or otherwise on the exercise of such power, and the court may also authorize the insertion of provisions in any such order for the appointment of new trustees from time to time, for the purpose of exercising such powers of leasing as aforesaid.

Conditions that leases be settled by the court not to be inserted in orders made under this Act.

12. Provided always, that in orders under this Act for vesting any powers of leasing in any trustees or other persons, no conditions shall be inserted requiring that the leases thereby authorized should be submitted to or be settled by the court, or a judge thereof, or be made conformable with a model lease, save only in any case in which the parties applying for the order may desire to have any such condition inserted, or in which it shall appear to the court that there is some special reason rendering the insertion of such a condition necessary or expedient.

Conditions where inserted may be struck out.

13. Provided also, that in all cases of orders (whether under this Act or under any other Act) in which any such condition as last aforesaid shall have been inserted, it shall be lawful for any party interested to apply to the court to alter and amend such orders by striking out such condition, and the court shall have full power to alter the same accordingly, and the order so altered shall have the same validity as if it had originally been made in its altered state; but nothing herein contained shall make it obligatory on the court to act under this provision in any case in which from the evidence which was before

it when the order sought to be altered was made, or from any other evidence, it shall appear to the court that there is any special reason why in the case in question such a condition is necessary or expedient.

COURT MAY AUTHORIZE SALES OF SETTLED ESTATES, AND OF
TIMBER.

14. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, from time to time to authorize a sale of the whole or any part of any settled estates or of any timber (not being ornamental timber) growing on any settled estates, and every such sale shall be conducted and confirmed in the same manner as by the Rules and practice of the court for the time being is or shall be required in the sale of lands sold under an order of the court.

Sales of settled estate may be ordered.

COURT MAY AUTHORIZE SALES OR MORTGAGES OF SETTLED
ESTATES, TO MAKE REPAIRS OR IMPROVEMENTS, AND
TO PAY OFF INCUMBRANCES.

15. It shall be lawful for the court—if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained—from time to time to authorize a mortgage of the whole or any part or parts, of any settled estates in the Province for the purpose of raising money to repair, rebuild or alter any existing buildings upon the said estate, or otherwise to build upon or improve the same; or for the purpose of raising money to pay off and discharge wholly or in part any incumbrances existing thereon; or to authorize a sale of any part or parts of any settled estates for the purpose of raising money to repair, rebuild or alter any existing buildings upon the remainder of such settled estates, or otherwise to build upon or improve the same; or for the purpose of raising money to pay off and discharge wholly or in part any incumbrances existing thereon; and such sale or mortgage is to be authorized wherever the court is of opinion that the interests of the estate or any part thereof or of the parties entitled to the estates or any part thereof, require, or will be substantially promoted by such sale or mortgage.

Mortgages and sales for purpose of repairs, etc.

16. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties who are or who may thereafter be entitled under the settlement, and subject to the provisions and restrictions in this Act contained, to sanction any action, defence, petition to

Proceedings for protection of estate.

the

the Legislature or other proceedings appearing to the court necessary for the protection of any settled estate, and to order that all or any part of the costs and expenses in relation thereto be raised and paid by means of a sale or mortgage of or charge upon all or any part of the settled estate, or be raised and paid out of the rents and profits of the settled estate, or out of any moneys, or investments representing moneys, liable to be laid out in the purchase of hereditaments to be settled in the same manner as the separate estate, or out of the income of such moneys or investments, or out of any accumulations of rents, profits or income.

Consideration
for land sold
for building
may be a
rental.

17. When any land is sold for building purposes it shall be lawful for the court, if it shall see fit, to allow the whole or any part of the consideration to be a rent issuing out of such land, which may be secured and settled in such manner as the court shall approve.

Minerals, etc.,
may be ex-
cepted from
sales.

18. On any sale of land, any earth, coal, stone or mineral may be excepted, and any rights or privileges may be reserved and the purchaser may be required to enter into any covenants or submit to any restrictions which the court may deem advisable.

COURT MAY AUTHORIZE DEDICATION OF ANY PART OF SETTLED
ESTATES FOR STREETS, ROADS AND OTHER WORKS.

Dedications
for streets, etc.

19. It shall be lawful for the court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act and in *The Consolidated Municipal Act, 1892*, *The Land Titles Act*, and in *The Registry Act 1893*, contained, from time to time to direct that any part of any settled estates be laid out for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, either to be dedicated to the public or not, and the court may direct that the parts so laid out shall (subject to the provisions of *The Consolidated Municipal Act 1892*, *The Land Titles Act*, and of *The Registry Act 1893*) remain vested in the trustees of the settlement, or be conveyed to, or vested in any other trustees upon such trusts for securing the continued appropriation thereof to the purposes aforesaid in all respects, and with such provisions for the appointment of new trustees when required, as by the court shall be deemed advisable.

AS TO LAYING OUT AND MAKING AND EXECUTING AND MAINTAINING STREETS, ROADS, AND OTHER WORKS, AND EXPENSES THEREOF.

20. Where any part of any settled estates is directed to be laid out for such purposes as aforesaid, the court may direct that any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, including all necessary and proper fences, pavings, connections and other works incidental thereto respectively, be made and executed, and that all or any part of the expenses in relation to such laying out and making and execution, be raised and paid by means of a sale or mortgage of or charge upon all or any part of the settled estates, or be raised and paid out of the rents and profits of the settled estates or any part thereof, or out of any moneys, or investments representing moneys liable to be laid out in the purchase of hereditaments to be settled in the same manner as the settled estates, or out of the income of such moneys or investments, or out of any accumulations of rents, profits, or income; and the court may also give such directions as it may deem advisable for any repair or maintenance of any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, or other works, out of any such rents, profits, income, or accumulations during such period or periods of time as to the court shall seem advisable, provided that the powers hereby granted shall in every case be exercised subject to the provisions of *The Consolidated Municipal Act, 1892*, *The Land Titles Act*, and of *The Registry Act, 1893*.

How provision made for laying out streets, etc.

55 V. c. 42.
Rev. Stat.,
c. 116.

56 V. c. 21.

HOW SALES, MORTGAGES AND DEDICATIONS ARE TO BE EFFECTED UNDER THE DIRECTIONS OF THE COURT.

21. On every sale, mortgage or dedication to be effected as hereinbefore mentioned the court may direct what person or persons shall execute the deed of conveyance or mortgage; and the deed or mortgage executed by such person or persons shall take effect as if the settlement had contained a power enabling such person or persons to effect such sale, mortgage or dedication, and so as to operate if necessary by way of revocation and appointment of the use or otherwise, as the court shall direct.

Direction as to execution of deeds.

22. Any person entitled to the possession or to the receipt of the rents and profits of any settled estates for a term of years determinable on his death, or for an estate for life or any greater estate, and also any person entitled to the possession or to the receipt of the rents and profits of any settled estates as the assignee of any person, who, but for such assignment, would be entitled to such estates for a term of years determinable

Who may apply for exercise of powers conferred by this Act.

minable with any life, or for an estate for any life or any greater estate, may apply to the court by petition in a summary way to exercise the powers conferred by this Act.

With whose consent such application to be made.

23. Subject to the exceptions hereinafter contained every application to the court must be made with the concurrence or consent of the following parties, namely :

Where there is a tenant in tail under the settlement in existence and of full age, then the parties to concur or consent shall be such tenant in tail, or if there is more than one such tenant in tail, then the first of such tenants in tail, and all persons in existence having any beneficial estate or interest under or by virtue of the settlement prior to the estate of such tenant in tail, and all trustees having any estate or interest on behalf of any unborn child prior to the estate of such tenant in tail.

And in every other case the parties to concur or consent shall be all the persons in existence having any beneficial estate or interest under or by virtue of the settlement, and also all trustees having any estate or interest on behalf of any unborn child.

Court may dispense with consent in respect of certain estates.

24. Provided always, that where an infant or person of unsound mind not so found is tenant in tail or beneficially interested under the settlement, it shall be lawful for the court, if it think fit, to dispense with the concurrence or consent of such person.

Notice to be given to persons who do not consent to, or concur in, the application.

25. Provided always, that where on an application under this Act, the concurrence or consent of any such person as aforesaid shall not have been obtained, notice shall be given to such person in such manner as the court shall direct, requiring him to notify within a time to be specified in such notice whether he assents to or dissents from such application, or submits his rights or interests, so far as they may be affected by such application, to be dealt with by the court, and every such notice shall specify to whom and in what manner such notification is to be delivered or left. In case no notification shall be delivered or left in accordance with the notice and within the time thereby limited, the person to or for whom such notice shall have been given or left shall be deemed to have submitted his rights and interests to be dealt with by the court.

Court may dispense with notice under certain circumstances.

26. Provided also, that where on an application under this Act, the concurrence or consent of any such person as aforesaid shall not have been obtained, and in case such person can

not

not be found, or in case it shall be uncertain whether he be living or dead, or in case it shall appear to the court that such notice as aforesaid cannot be given to such person without expense disproportionate to the value of the subject matter of the application or the interest of such person therein, then and in any such case the court, if it shall think fit, either on the ground of the rights or interests of such person being small or remote, or being similar to the rights or interests of any other person or persons, or on any other ground, may by order dispense with notice to such person, and such person shall thereupon be deemed to have submitted his rights and interests to be dealt with by the court.

27. An order may be made upon any application notwithstanding that the concurrence or consent of any such person as aforesaid shall not have been obtained or shall have been refused, but the court, in considering the application, shall have regard to the number of persons who concur in or consent to the application, and who dissent therefrom or who submit or are to be deemed to submit their rights or interests to be dealt with by the court, and to the estates or interests which such persons respectively have or claim to have in the estate as to which such application is made; and every order of the court made upon such application shall have the same effect as if all such persons had been consenting parties thereto.

Court may dispense with consent, having regard to the number and interests of the parties.

28. Provided nevertheless, that it shall be lawful for the court if it shall think fit, to give effect to any petition subject to, and so as not to affect the rights, estate, or interest of any person whose concurrence or consent has been refused, or who has not submitted, or is not deemed to have submitted, his rights or interests to be dealt with by the court, or whose rights, estate or interest ought in the opinion of the court to be excepted.

Petition may be granted without consent, saving rights of non-consenting parties.

29. Notice of any application to the court under this Act shall be served on all trustees who are seized or possessed of any estate in trust for any person whose consent or concurrence to or in the application is hereby required, and on any other parties who in the opinion of the court ought to be so served, unless the court shall think fit to dispense with such notice.

Notice of application to be served on all trustees, etc.

30. Notice of any application to the court under this Act shall, if the court shall so direct, but not otherwise, be inserted in such newspapers as the court shall direct, and any person or body corporate, whether interested in the estate or not, may be heard in opposition to or in support of any application which may be made to the court under this Act: and the court

Notice of application to be given in the newspapers if court direct.

is hereby authorized to permit such person or corporation to appear and be heard in opposition to or support of any such application on such terms as to costs or otherwise, and in such manner as it shall think fit.

No application under this Act to be granted where a similar application has been rejected by legislative assembly.

31. The court shall not be at liberty to grant any application under this Act in any case where the applicant, or any party entitled, has previously applied to the Legislative Assembly of this Province for a private Act to effect the same or a similar object, and such application has been rejected on its merits, or was reported against by the judges to whom the Bill may have been referred.

Notice of the exercise of powers to be registered.

32. Deeds, mortgages, leases and other instruments executed in pursuance of the exercise of any of the powers conferred by this Act shall not take effect until registered in the proper registry or land titles office where the lands are situate, and in the case of leases the lease or duplicate to be registered shall be executed by the lessee as well as the lessor.

APPLICATION OF MONEYS ARISING FROM SALES, ETC.

Payment and application of moneys arising from sales or set aside out of rent, etc., reserved on mining leases.

33. All money to be received on any sale effected under the authority of this Act, or to be set aside out of the rent or payments reserved on any lease of earth, coal, stone, or minerals as aforesaid, may, if the court shall think fit, be paid to any trustees of whom it shall approve, or otherwise the same shall be paid into court to the credit of the matter of this Act, and the estate (*shortly describing the same*) ; and such money shall be applied, as the court shall, from time to time direct, to one or more of the following purposes, namely :

- (a) The payment of any costs which the court may see fit to be ordered to be paid ; or
- (b) The discharge of any incumbrance affecting the hereditaments in respect of which such money was paid, or affecting any other hereditaments subject to the same uses or trusts ; or
- (c) The purchase of other hereditaments to be settled in the same manner as the hereditaments in respect of which the money was paid ; or
- (d) The payment of the expenses connected with any buildings, repairs, rebuildings, alterations or improvements authorized to be made upon the settled estates in question.
- (e) The payment to any person becoming absolutely entitled.

34. The application of the money in manner aforesaid may, if the court shall so direct, be made by the trustees (if any) to whom the court has authorized the same to be paid, without any application to the court; or upon an order of the court upon the petition of the person who would be entitled to the possession or the receipt of the rents and profits of the land if the money had been invested in the purchase of land.

Trustees may apply moneys in certain cases without application to court.

35. Until the money can be applied as aforesaid, the interest accruing thereon shall be paid, as the court shall direct to the person who would have been entitled to the rents and profits of the land if the money had been invested in the purchase of land.

Until money can be applied interest to be paid to parties entitled.

36. Where any purchase money paid into court or to trustees under the provisions of this Act shall have been paid in respect of any lease for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, it shall be lawful for the court on the petition of any party interested in such money to order that the interest which shall accrue thereon be paid in such manner as the said court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion, in respect of which such money shall have been paid, or as near thereto as may be.

Court may direct application of money in respect of leases or reversions as may appear just.

COURT MAY EXERCISE POWERS REPEATEDLY, BUT MAY NOT EXERCISE THEM IF EXPRESSLY NEGATIVED.

37. The court shall be at liberty to exercise any of the powers conferred on it by this Act, whether the court shall have already exercised any of the powers conferred by this Act in respect of the same property or not; but no such powers shall be exercised if any express declaration that they shall not be exercised is contained in the settlement; provided always, that the circumstance of the settlement containing powers to effect similar purposes shall not preclude the court from exercising any of the powers conferred by this Act, if it shall think that the powers contained in the settlement ought to be extended.

Court may exercise powers repeatedly.

38. Nothing in this Act shall be construed to empower the court to authorize any lease, mortgage, sale, or other act beyond the extent to which, in the opinion of the court, the same might have been authorized in and by the settlement by the settlor.

Court not to authorize any Act which could not have been authorized by the settlor.

Acts of the courts in the professed pursuance of this Act not to be invalidated.

39. After the completion of any lease, mortgage, or sale, or other act under the authority of the court, and purporting to be in pursuance of this Act, the same shall not be invalidated on the ground that the court was not hereby empowered to authorize the same.

ORDERS OF COURT CONCLUSIVE.

Orders of court conclusive.

40. An order of the court under any statutory or other jurisdiction shall not, as against a purchaser, be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice or service, whether the purchaser has notice of any such want or not.

This section shall have effect with respect to any lease, mortgage, sale or other act, under the authority of the court, and purporting to be in pursuance of this Act, or to be in pursuance of any former Act repealed or amended by this Act, notwithstanding any exception in such former Act.

COSTS.

Costs.

41. It shall be lawful for the court, if it shall think fit, to order that all or any costs or expenses of all or any parties of and incident to any application under this Act, shall be a charge on the hereditaments which are the subject of the application, or on any other hereditaments included in the same settlement and subject to the same limitations or may direct the same to be paid out of the corpus or income of any fund realized by the sale, mortgage or lease of such estate under the provisions of this Act and the court may also direct that such costs and expenses shall be raised by a sale or mortgage of a sufficient part of such hereditaments, or out of the rents or profits thereof, such costs and expenses to be taxed and paid as the court shall direct.

LEASES BY TENANTS FOR LIFE.

Tenants for life, etc., may grant leases for 21 years.

42.—(1) It shall be lawful for any person entitled to the possession or to the receipt of the rents and profits of any settled estate for an estate for any life or for a term of years determinable with any life or lives or for any greater estate, either in his own right or in right of his wife, (unless the settlement shall contain an express declaration that it shall not be lawful for such person to make such demise); and also for any person entitled to the possession or to the receipt of the rents and profits of any unsettled estates as tenant by the curtesy or in dower, or in right of a wife who is seised in fee, without any application to the court (subject to the exception hereinafter mentioned), to demise the same or any part thereof, from time to time, for any term not exceeding 21 years, to take effect in possession, at or within one year next after the making

making thereof; provided that every such demise be made by deed, and the best rent that can be reasonably obtained be thereby reserved without any fine or other benefit in the nature of a fine, which rent shall be incident to the immediate reversion, and shall be made payable half-yearly, or oftener; and provided that such demise be not made without impeachment of waste and do not authorize the cutting of any timber or felling of any trees except in the ordinary course of husbandry, and do contain a covenant (by the lessee) for payment of the rent, and such other usual and proper covenants as the lessor shall think fit, together with a covenant or condition for re-entry on non-payment of rent for a period of 28 days after it becomes due or for some less period to be specified.

(2) A tenant for life or owner entitled as in sub-section 1 may also make:—

- (a) A lease for giving effect to a contract entered into by any of his predecessors in title for making a lease, which, if made by the predecessor, would have been binding on the successors in title; and
- (b) A lease for giving effect to a covenant of renewal, performance whereof could be enforced against the owner for the time being of the settled land; and
- (c) A lease for confirming, as far as may be, a previous lease, being void or voidable; but so that every lease, as and when confirmed, shall be such a lease as might at the date of the original lease have been lawfully granted under this Act, or otherwise as the case may require.

(3) Every lease made under this section shall be by deed in duplicate and shall be executed by the lessor and lessee and shall be subject to the provisions of section 32 of this Act.

(4) Where two or more persons are under the same settlement or otherwise entitled in possession to concurrent estates for life, or are concurrently entitled to the possession or receipt of the rents and profits as in sub-section 1 mentioned, they shall, for the purposes of this section, act concurrently.

43. Every demise authorized by the last preceding section shall be valid against the person granting the same, and all other persons entitled to estates subsequent to the estate of such person under or by virtue of the same settlement if the estates be settled, and in the case of unsettled estates against the wife of any husband granting such demise of estates to which he is entitled in right of such wife, and against all persons claiming through or under the wife or husband (as the case may be) of the person granting the same.

Against whom
leases shall be
valid.

PROVISIONS AS TO APPLICATIONS, CONSENTS ETC.

Provisions as
to infants,
lunatics, etc.

44. All powers given by this Act, and all applications to the court under this Act, and consents to and notifications respecting such applications may be executed, made, or given by, and all notices under this Act may be given to committees on behalf of lunatics, and by or to trustees or assignees of the property of bankrupts, debtors in liquidation or insolvents; and the Official Guardian *ad litem*, or any other guardian *ad litem* appointed by the court may consent to, and give notifications respecting such applications, and give all notices under this Act on behalf of any infant or person of unsound mind not so found; provided, nevertheless, that in the cases of infants or lunatics, or persons of unsound mind not so found, all consents to or notifications or notices respecting any application so given by any committee or by the Official Guardian or other guardian *ad litem* appointed by the court shall be subject to the approbation of the court.

Application
by or consent
of married
women.

45. Married women may make or consent to or oppose any applications whether they be of full age or infants.

No obligation
to make or
consent to
application,
etc.

46. Nothing in this Act shall be construed to create any obligation on any person to make or consent to any application to the court or to exercise any power.

Tenants for
life, etc., to be
deemed
entitled not-
withstanding
incumbrances.

47. For the purposes of this Act a person shall be deemed to be entitled to the possession or to the receipt of the rents and profits of estates although his estate may be charged or encumbered either by himself or by the settlor, or otherwise howsoever, to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and profits as aforesaid unless they shall concur therein.

To what
settlements
this Act to
extend.

48. This Act shall, except as hereinafter provided, apply to all matters existing at the time of the passing of this Act, whether proceedings are actually pending or not, and any proceedings in any such matter may be continued or taken under this Act as if the matter originated under this Act.

RULES OF COURT.

Rules of court.

49. The Rules in the schedule to this Act shall be deemed and construed as Rules of Court, and shall regulate the proceedings in the High Court of Justice as to all matters to which the said Rules extend. But such Rules may be annulled or altered by the authority by which new Rules of Court may be made.

50. Section 32 of *The Judicature Act* is amended by striking out the words "in regard to leases and sales of settled estates and," in the first subsection thereof, and by striking out the second and fifth subsections; and the statute passed in the 53rd year of Her Majesty's reign, chapter 14, intituled *An Act to amend the Law respecting the Lease and Sale of Settled Estates*, is repealed; provided always, that this section shall not affect anything done or any proceedings taken under any enactment hereby amended or repealed.

Rev. Stat.,
c. 44, s. 32,
amended;
53 V. c. 14,
repealed.

Proviso.

51. Nothing in this Act shall interfere with the exercise of any powers to authorize or grant leases conferred by any Statute not expressly repealed by this Act.

Powers
conferred by
other Acts.

SCHEDULE.

RULES OF COURT (*ante*, sec. 50).

(1) All proceedings under the Act shall be intituled in accordance with Form No. 1 in the Appendix; and every petition shall in the body thereof, or in a schedule thereto, or by plan thereto annexed, contain a detailed description of the property proposed to be dealt with by such petition sufficient to identify the same. Every petition shall be filed with the Clerk of Records and Writs at Osgoode Hall, in the city of Toronto, at least fourteen days before the day named for the hearing thereof, and all notices required to be given by the Act and Rules may be given at any time after the filing of the petition.

Title petition
affidavits, etc.

(2) The notice to be given by the 25th section of the Act, if given before the hearing (or if given after the hearing and the judge shall not otherwise direct), may, without any other direction of the court, be given within the jurisdiction of the court by delivering to the person to be served a notice (in the form No. 2 in the Appendix hereto) with such variations as circumstances require, and the time to be specified in such notice for the person served to file and deliver a notification shall be not less than 14 clear days after the service. In case the person to be served is out of the jurisdiction of the court, or it is desired to serve such notice on any person within the jurisdiction of the court in any other manner than above provided, an application shall be made at chambers *ex parte* by the petitioner for directions as to the manner in which such notice shall be given, and as to the time to be specified in such notice within which the notification is to be made by the person served.

Notice to be
given.

(3) Infants, and persons of unsound mind (not so found), required to be served with notice of any application to the High Court, may be served by delivering to the Official Guar-

Service on
infants and
persons of un-
sound mind
not so found.

dian,

dian, *ad litem*, a copy of the petition or other proceeding required to be served; and from the time of such service, the said Official Guardian shall be the guardian *ad litem* of the infant, or person of unsound mind, unless and until the court or judge otherwise orders; and the said Official Guardian, or any other guardian appointed by the court for such infant or person of unsound mind, shall take all such proceedings as he may think necessary for the protection of the interests of the infant or person of unsound mind in the proceeding in which he is so appointed guardian. In case there be more than one infant or person of unsound mind (not so found) for whom service is made on the Official Guardian *ad litem*, one copy only of the petition or other proceeding need be so served, but the name of each person on whose behalf the Official Guardian *ad litem*, is served is to be stated on the copy served; provided also, that in the case of a person of unsound mind (not so found), he shall, when practicable, be also personally served with notice of any application, and in case it shall not be practicable, then the person in whose custody or care he may be living shall be served with such notice.

Examination
of married
women only
necessary if
directed by
the court.

(4) The examination of a married woman apart from her husband as to her knowledge of the nature and effect of an application for the sale, mortgaging or leasing of any settled estate, or as to her consent thereto, shall in no case be necessary unless expressly directed by the court.

Where infant
is applicant.

(5) An infant may make any application to the court under the Act by his guardian or next friend, and in any such case the Official Guardian *ad litem* or any other guardian *ad litem* appointed by the court shall be served with a copy of the petition, and the said Official Guardian or other guardian *ad litem* appointed by the court shall thereafter attend and watch the proceedings on behalf of such infant.

Notice of
hearing.

(6) Notice of the hearing of the petition shall be served on all persons dissenting from, or desiring to be heard in opposition thereto, and upon committees of lunatics, and upon the Official Guardian *ad litem*, or other guardian *ad litem* appointed by the court, who may be interested in the proceedings on behalf of any infant or person of unsound mind (not so found), at least two clear days before the day for hearing the same; and on filing with the Clerk of Records and Writs, on any day before the day fixed for hearing the petition, the notice of hearing with proper proof of service, the said Clerk shall enter the same for hearing on the list for the day for which notice of hearing is given.

Evidence on
application as
to lunatic.

(7) Where a committee of a lunatic shall make or consent to any application, or give any notification respecting any application, the authority of such committee to act on behalf of the lunatic shall be produced to the court, and also evidence

to satisfy the court that it is, and the committee is to make an affidavit that he believes that it is proper and consistent with a due regard to the interest of such lunatic; and if it shall appear that it is proper and consistent with a due regard for the interest of the lunatic that the committee shall make or consent to the application, or give any specific notification respecting the application, the court may approve of his so doing.

(8) Where the Official Guardian *ad litem*, or other guardian *ad litem* appointed by the court, of an infant, or the Official Guardian *ad litem*, on behalf of any person of unsound mind, (not so found), shall consent to any application, or give any notification respecting any application, evidence is to be produced to satisfy the court that it is, and the guardian is to make an affidavit that he believes that it is proper and consistent with a due regard to the interest of such infant or person of unsound mind not so found, that such consent shall be given, and thereupon the court may approve of the same being given.

Evidence as to consent of infant or person of unsound mind, not so found.

(9) Upon every petition the court shall be satisfied by sufficient evidence that it is proper and consistent, with a due regard for the interests of all parties entitled under the settlement, that the powers should be exercised, and it shall be stated in the affidavit why and upon what ground it is deemed to be so.

Evidence that application is proper

(10) Upon every petition where there are any trustees seized or possessed of any estate in trust for any of the persons whose consent or concurrence to or in the application is required, evidence is to be produced that notice of the application has been served on such trustees.

Evidence of service on trustees.

(11) Upon every petition evidence shall be produced to satisfy the court that neither the applicant nor any party entitled has previously applied to the Legislature of the Province of Ontario for a private Act to effect the same or similar object, or if any such application has been made, that the same was not rejected on its merits or reported against by the judges to whom the Bill may have been referred.

Evidence of no previous application to legislature.

(12) If upon the hearing of any petition the court shall be of opinion that notice ought to be served on any person who shall not have been served, or that notice of application ought to be inserted in any newspaper, the court shall give directions accordingly, and the petition shall stand over generally or to such time as the court shall direct.

Service or advertisement of notice.

(13)

Where advertisement—
Persons who
may be heard.

(13) When the court shall, at the hearing, have directed notice of any application to be inserted in any newspapers, any person may, at the time specified in the notice, be heard in opposition to or in support of the application, subject to such order as the court shall think fit to make as to costs.

What order is
to state.

(14) Every order shall state, in addition to the names of the petitioners, the names of the persons other than the petitioners who concur or consent, or to whom notice of the application has been given, or who may have appeared in opposition to or in support of the application, and whether any notice was received from the persons to whom notice has been given, and if any has been received, the purport thereof, and also the names of the persons, if any, notice to whom has been dispensed with, and whether the order is made subject to any, and what rights, estate or interest of any person whose concurrence or consent has been refused, or who shall not, or shall not be deemed to have submitted his rights or interests to be dealt with by the court, or whose rights or interests ought, in the opinion of the court, to be excepted.

In case of
leases.

(15) In cases where the court authorizes a lease, the order shall direct that the lease shall contain such conditions as are required by the Act, and such other covenants, conditions and stipulations as the court shall deem expedient with reference to the special circumstances, or may direct the same to contain such covenants, conditions and stipulations as may be approved by the Master in Ordinary, or a Local Master.

Forms.

(16) The Forms set forth in the Appendix hereto shall be adhered to, subject only to such variations as may be necessary to meet the circumstances of the case or direction of the court.

Saving clause.

(17) In all cases not provided for by the Act or these Rules, the existing forms and mode of procedure and general practice of the court on similar proceedings shall apply to proceedings under this Act.

Court may dis-
pense with
Rules.

(18) The Court, in the case of any petition, may, by special order, dispense with all or any of the preceding Rules, so far as they are applicable to such petition, in any case in which it shall think fit, and upon such terms and conditions (if any) as it may deem proper.

Short title.

(19) The Rules may be cited as *The Settled Estates Act Rules, 1895*, and shall remain in force so long as, and be subject to be amended or added to as the Supreme Court of Judicature for Ontario shall see fit.

APPENDIX.

No. 1.—FORM OF TITLE OF PETITION AND OTHER PROCEEDINGS.

Title of Petition.

In the High Court of Justice,

In the matter of estates settled by A. B.-(or A. B. and others), by will dated (or deed dated)
consisting of certain lands or messuages or tenements in the
of in the county of

and in the matter of *The Settled Estates' Act 1895.*

No. 2.—FORM OF NOTICE PURSUANT TO SECTION 25 OF THE ACT.

(*Title same as Petition, Form 1.*)

Take notice that (*name petitioners and their address, as in petition*) have filed in the office of the Clerk of Records and Writs at Osgoode Hall, Toronto, a petition in the above matters praying that (*as in petition, and describing the lands, messuages or tenements as in the petition*) and it is intended to apply to the said court for an order in accordance with such prayer, and you are (severally) hereby required to file a notification in the office of the said Clerk of Records and Writs at Osgoode Hall, Toronto, in writing within 14 days after the service hereof whether you assent to or dissent from such application, or submit your rights or interests so far as they may be affected by such application, to be dealt with by the court, and a copy of such notification is to be delivered to the petitioners' solicitors or left for them at the address specified at the foot hereof, and may be so delivered by transmitting the same to them by post at such address.

If no notification shall be so filed and delivered within the time above limited you will be deemed to have submitted your rights and interests to be dealt with by the court, and the court may thereupon make such order as it shall see fit without further notice to you.

In the event of your dissenting from such application and desiring to be heard in opposition to the application, you are by your notification, to require notice to be given to or left for you or your solicitor (*specifying a place*), at a place within two miles of the office of the said Clerk of Records and Writs, *within* days of the day on which the petition is fixed for hearing.

You or your solicitor can, upon reasonable notice to the undersigned, A. and B., inspect and peruse a copy of the petition without payment of any fee, and you are entitled at your own expense to have a copy of such petition furnished to you.

Where a trustee is to be served under section 29 of the Act, add: "This notice is given you in pursuance of the above Act, because you are seized or possessed of an estate in trust for (name beneficiary) whose consent or concurrence to or in the application is required by the Act."

Dated day of

A. and B.

Petitioners' Solicitors,
(address)

To (name person or all persons to be served pursuant to above section.)

Note—A copy of the above notice, with a notification at the foot thereof to be filled up by you, is sent herewith.

NO. 3.—FORM TO ACCOMPANY NOTICE PURSUANT TO SECTION 25 OF THE ACT.

(Copy Notice, as in Form No. 2.)

In pursuance of a notice, of which the above is a copy, served on me on the day of I hereby notify that I*

Dated this day of

To Messrs.†

(signature and address of person giving notice.)

* Here insert "assent to the application" or "dissent from the application" or "submit my rights and interests so far as they may be affected by the application to be dealt with by the court."

And if you dissent and desire to be heard in opposition thereto add, "And I desire to be heard in opposition to the application and require notice to be given to at (naming place within 2 miles of the office of the Clerk of Records and Writs) of the day fixed for the hearing of the petition."

† Names of solicitors of petitioner.

NO. 4.—FORM OF NOTICE TO BE INSERTED IN NEWSPAPERS IF DIRECTED PURSUANT TO THE 30TH SECTION.

(Title as in Petition, Form No. 1.)

By direction of Mr. Justice notice is hereby given that a petition has been filed in the office of the Clerk of Records and Writs at Toronto praying for a sale or for powers to grant a mortgage or leases of the above-mentioned hereditaments; (or otherwise according to the circumstances); and the said petition will be heard before the court at Osgoode Hall, Toronto, on the day of next at the hour of 10 o'clock in the forenoon, or so soon thereafter as the same can be heard and, any person, whether interested in the estate or
not,

not, may at that time and place be heard in opposition to or in support of such application. The petition may be inspected upon application to Messrs. A. and B., of the solicitors for the petitioners.

Dated at the day of 18
A. B.

Solicitors for Petitioners.

NO. 5.—FORM OF ORDER.

(Title same as Petition, Form No. 2)

Upon the humble petition of C. D. presented unto the Court this day by (name of petitioner or petitioners in full) praying (as in the petition set out, and describing the lands, messuages or tenements as in the petition) and it appearing to the satisfaction of the Court that neither the applicant nor any other party entitled has previously applied to the Legislature of the Province of Ontario to effect the same or a similar object to that prayed for in the petition (or if any such application has been made, show that the same was not rejected on its merits or reported against by the Judges to whom the Bill may have been referred) and it appearing to the satisfaction of the Court that the said petitioner was duly qualified to apply by way of petition for the relief asked for, and that the petitioner duly filed with the Clerk of Records and Writs at Osgoode Hall, Toronto, his said petition, and thereafter properly gave notice of the filing of the same to (here give the names in full of all persons other than the petitioner, to whom notice of the application has been given) and required them to notify in manner directed by *The Settled Estates Act, 1895*, their consent or otherwise to the application, of whom (here give the names in full of all persons served with notice of the application who concur or consent) have concurred in and consented to the prayer of the said petition being granted, and of whom (here give the names in full of all persons served with notice of the application who have neither filed nor served any notification of consent or dissent) have neither consented to nor dissented from the prayer of the said petition being granted, and of whom (here give the names in full of all persons served with notice of the application who have submitted their rights and interests to be dealt with by the Court) have submitted their rights and interests to be dealt with by the Court, and of whom (here give the names in full of all persons served with notice of the application who have appeared in opposition to the prayer of the said petition being granted) have appeared in opposition to the prayer of the said petition being granted, and of whom (here give the names in full of all persons served with notice of the application who have appeared in support of the prayer of the said petition being granted) have appeared in support of the prayer

prayer of the said petition being granted, and of whom (*here give the names of all trustees served with notice of the application, and the names of the beneficiaries on whose behalf the trustees are served*) are trustees representing (*names of beneficiaries*) which said trustees have been duly served with notice of this application, and who consent to (*or, dissent from*) the granting of the prayer of the said petition (*as the case may be*), and of whom (*here give the names in full of all persons served with notice of the application who have filed and served any notice [setting forth the purport thereof] but who have not appeared before the Court*), and of whom (*here give the names in full of any infants or persons of unsound mind not so found for whom the official guardian ad litem or any other guardian ad litem appointed by the Court has been served*) being infants (*or, persons of unsound mind, as the case may be*), the Court has approved of the concurrence and consent by the official guardian *ad litem* (*or, other guardian ad litem appointed by the Court, as the case may be*) on behalf of such infant (*or, person of unsound mind, as the case may be*) to the prayer of the said petition being granted; and of whom (*here give the names in full of any lunatics and of their committees who have been served for the lunatics with notice of this application*), being a lunatic represented by E. F., his committee, the Court has approved of the said committee concurring and consenting on behalf of the said lunatic to the prayer of the said petition being granted; and this Court having been pleased to dispense with service of notice of this application on (*here give the names in full of all persons on whom service of the notice of the application has been dispensed with by the Court*), and the Court having ordered that notice of this application should be inserted in the _____ a newspaper published at _____ in the county of _____ and it appearing that the said notice was duly published in manner directed, in pursuance of which advertisement (*here give the names of all persons who have appeared pursuant to the advertisement*) have appeared in pursuance of the said advertisement and have been heard before this Court (*or, no one having appeared pursuant to the said advertisement, as the case may be*), and this Court being satisfied from the affidavits of (*here give the affidavits filed*) filed in support of this petition, and from the evidence of (*here give the names of all persons who have given viva voce evidence in support of the petition*) that it is proper and consistent, with a due regard for the interests of all parties entitled under the said will (*or, other settlement, as the case may be*) that the prayer of the said petition should be granted, and it appearing that all parties entitled to notice of the hearing of the petition have been duly notified of the hearing hereof, and upon reading the said petition and hearing what was alleged by counsel for (*name all the parties appearing.*)

This Court doth order that (*here set out the relief asked for by the petition so far as the same has been granted by the Court*).

If

[If any person's rights are reserved by the order, then show whether the order is made subject to any and what rights, estate or interest of any person whose concurrence or consent has been refused, or, who shall not, or shall not be deemed to, have submitted his rights or interests to be dealt with by the Court, or, whose rights, or interests, ought, in the opinion of the Court, to be excepted.]

[If the purchase money is to be paid into Court to trustees, state the provisions as to disposition of purchase money having reference to sections 33, 34, 35 and 36 of the Act.]

[If the Court authorizes a lease, see rule 15 as to what the order shall contain,]

CHAPTER 21.

An Act making better provision for the Widows of
Intestates in certain cases.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

Short title.

1. This Act may be cited as *The Intestates' Estates Act, 1895.*

Widow
entitled to
whole estate
not exceeding
\$1,000.

2. The real and personal estate of every man who shall die
intestate after the first day of July, 1895, leaving a widow but
no issue shall, in all cases where the net value of such real and
personal estate shall not exceed \$1,000, belong to his widow
absolutely and exclusively.

Where estate
exceeds
\$1,000.

3. Where the net value of the real and personal estate of
any person who shall die intestate as in the preceding section
mentioned shall exceed the sum of \$1,000, the widow of such
intestate shall after payment of debts, funeral and testa-
mentary expenses and expenses of administration be
entitled to \$1,000, part thereof absolutely and exclusively, and
shall have a charge upon the whole of such real and personal
estate, after payment as aforesaid, for such \$1,000, with
interest thereon from the date of the death of the intestate
at 4 per cent. per annum until payment.

Widow's share
in remainder
of estate.

4. The provision for the widow intended to be made by
this Act shall be in addition and without prejudice to her in-
terest and share in the residue of the real and personal estate
of the intestate remaining after payment of the sum of \$1,000
and interest as aforesaid, in the same way as if such residue
had been the whole of the intestate's real and personal estate,
and this Act had not been passed.

CHAPTER 22.

An Act to amend The Registry Act.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 64 of *The Registry Act, 1893*, is amended by adding thereto the following sub-section: 56 V. c. 21, s. 64 amended.

(2) Where an instrument is written in any language other than English, besides complying with the directions contained in the preceding sub-section, it shall be necessary to produce a translation into English of such instrument, together with an affidavit by the translator, stating that he understands both languages and has carefully compared the translation with the original instrument of which it purports to be a translation, and that the same is in all respects a true and correct translation of such original instrument. Registering instruments in foreign languages.

2. In case a mortgage is not copied in full, the same shall be numbered as other instruments are required to be numbered in the proper registry book in its proper order, and the marginal note made as required by section 67 of the said Act, and on the discharge of such a mortgage being registered the registrar shall make the same entry in the margin of the registry book as in cases where the mortgage is copied at length and as provided by sub-section 1 of section 76. The registrar shall at the time of the registration of a mortgage not copied in full, enter opposite the number in the registry book the words "mortgage not copied in full" and shall also give the date and names of parties thereto. Entries to be made when mortgage not registered in full.

3. A discharge of a mortgage which is not copied in full shall be in the form schedule L to *The Registry Act, 1893*, or to the like effect, and the same shall on the registration thereof have the same force and effect as a discharge has under sub-section 1 of section 76 of the said Act. Registering discharge of mortgage not registered in full.

4. Where the person entitled to receive the mortgage money and to discharge any registered mortgage is not the mortgagee, he shall at his own expense cause to be registered prior to mortgagee. Registration of discharge given by person other than the mortgagee.

to the registration of the certificate of discharge the instruments or documents through which he claims interest in and title to the mortgage moneys, and until such instruments or documents are registered the registrar shall not register such certificate of discharge.

Application to judge for order to register instruments authorizing discharge to be given.

5. In the event of the person whose duty it shall be under the preceding section to register such instruments or documents refusing or neglecting to register the same within fifteen days after payment of the mortgage moneys to him, then, and in every such case, the person entitled to redeem the mortgage may on giving ten days' notice thereof in writing to the person so neglecting or refusing apply in a summary manner to any judge of the High Court or to any local judge thereof in the county wherein the lands or any part thereof mentioned in the mortgage are situate for an order directing that the person so refusing or neglecting shall within a time to be fixed by the judge, register such instruments or documents at his own expense, and the judge upon being satisfied that the application is a proper one shall make the necessary order hereunder, either upon affidavits or *viva voce* evidence as he shall deem fit, and on being satisfied of the due service of the notice aforesaid may proceed to determine the matter in the absence of the person so neglecting or refusing as aforesaid, and in the event of such person disobeying such order, the judge shall have the same power to punish for contempt as in any case of disobedience to an order of the court directing any act to be performed by the person named therein. He shall also have power to award costs of the proceedings to obtain said order and incidental thereto and to the enforcement thereof, which costs shall be on the High Court scale and shall be enforceable by execution issued on the certificate of one of the taxing masters at Toronto. The said notice shall by its terms purport to be given in pursuance of the provisions of this section.

56 V. c. 21, s. 96, sub-s. 3, amended.

Registering discharge of mortgage where subdivision made before mortgage executed.

56 V. c. 21, s. 111, sub-s. 2, amended.

Search to ascertain persons interested in lands divided subsequently to registration of mortgage.

6. Sub-section 3 of section 96 of *The Registry Act, 1893*, is amended by adding thereto the following words :

" Except where a mortgage has been registered prior to the filing of such plan of subdivision then any discharge, final order or foreclosure or conveyance under the power contained in the said mortgage shall be registered against the lands as described in said mortgage."

7. Sub section 2 of section 111 of the said Act is hereby amended by adding thereto the following :

" Where subsequent to the registration of a mortgage the lands in such mortgage have been subdivided by a plan and searches are made for the purpose of ascertaining subsequent grantees or encumbrances in sale, foreclosure or other proceedings under such mortgage, the person searching or producing

a statutory declaration that the searches are being made for the purposes aforesaid shall be entitled to make such searches on all the lots in the subdivision on payment of a fee of ten cents for each lot, but so that the whole fee for searches shall not exceed \$2."

8. Whereas doubts have been expressed as to the true intent and meaning of section 1, of chapter 35, of the Acts passed in the 57th year of the reign of Her Majesty, and it is desirable to remove the said doubts and to declare the meaning and effect of the said section;

Meaning of
57 V. c. 35.
s. 1, declared.

Therefore be it enacted, that the true intent and meaning of section 1, of chapter 35 aforesaid, were and are that registration under the said section has the same effect and consequences as and is equivalent to a registration under sections 61 and 93 of *The Registry Act, 1893*, and all other sections thereof relating to the registering of instruments which are registered at full length, and that in cases where a mortgage is not copied in full the mortgagee and those claiming through or under him shall be entitled to all the benefits and advantages, and to all the legal and equitable rights which would accrue to him or them had the mortgage been registered at full length under *The Registry Act, 1893*. This section shall apply to all registered mortgages not copied in full, whether registered before or after the passing of this Act.

56 V. c. 21.

56 V. c. 21.

CHAPTER 23.

An Act to make further provision respecting Assignments for the Benefit of Creditors.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Where goods or other property fraud-
ently assigned
have been
sold by
assignee.

1. In case of a gift, conveyance, assignment or transfer of any property, real or personal, which in law is invalid against creditors, if the person to whom the gift, conveyance, assignment or transfer was made shall have sold or disposed of the property or any part thereof, the money or other proceeds realized therefor by such person may be seized or recovered in any action by a person who would be entitled to seize and recover the property if it had remained in the possession or control of the debtor or of the person to whom the gift, conveyance, transfer, delivery or payment was made, and such right to seize and recover shall belong, not only to an assignee for the general benefit of the creditors of the said debtor, but shall exist in favor of all creditors of such debtor in case there is no such assignment.

Taking pro-
ceeds of goods
so disposed of
under execu-
tion.

2. Where there has been no assignment for the benefit of creditors, and the proceeds realized as aforesaid are of a character to be seizable under execution, they may be seized under the execution of any creditor issued against the debtor, and shall be distributable amongst the creditors under *The Creditors' Relief Act* and the Acts amending the same or otherwise.

Rev. Stat.
c. 65.

Creditor
suing on be-
half of himself
and other cre-
ditors.

3. Where there has been no assignment for the benefit of creditors, and whether the proceeds realized aforesaid are or are not of a character to be seized under execution, an action may be brought therefor by a creditor (whether an execution creditor or not), on behalf of himself and all other creditors, or such other proceedings may be taken as may be necessary to render the said proceeds available to the general benefit of the creditors.

4. The preceding section shall not apply as against innocent purchasers of the property.

Protection of innocent purchasers.

5. Every assignment hereafter executed for the general benefit of creditors, whether the assignment is or is not expressed to be made under or in pursuance of the *Act respecting Assignments and Preferences by Insolvent Persons*, and whether the debtor has or has not included all his real estate and personal estate, shall vest the estate, whether real or personal or part real and part personal, thereby assigned in the assignee therein named for the general benefit of creditors, and such assignment and the property thereby assigned shall be subject to all the provisions of the said Act and the Acts amending the same, and the provisions of the said Act and amending Acts shall apply to the assignee named thereunder.

Certain assignments to be subject to Rev. Stat. c. 124.

6. Where there has been an assignment for the benefit of creditors the assignee, or assignees, upon resolution passed by a majority vote of the creditors present or represented at a regularly called meeting of the creditors of the assignor or upon the written request or resolution of the majority of the inspectors of the estate may without an order examine the assignor upon oath before a master or local master, or an examiner, or before one of the registrars, deputy clerks of the crown, or before the judge of the county court of the county within which such assignor resides, or before any official referee or may by the order of the court or a judge examine the assignor on oath before any other person to be specially named in such order, touching his estate and effects and as to the property and means he had when the earliest of the debts or liabilities of the assignor existing at the date of the assignment was incurred, and as to the property and means he still has of discharging his debts and liabilities, and as to the disposal he has made of any property since contracting such debt or incurring such liability and as to any and what debts are owing to him.

Examination of assignor.

7. Any person liable to be examined under this Act may be compelled to attend and testify and to produce books and documents, in the same manner and subject to the same rules of examination, and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined, as in the case of a witness in an action in the High Court of Justice.

Compelling attendance and production of books.

Service of ap-
pointment.

8. Any person liable to be examined under this Act may be served with an appointment signed by the judge or officer, or a copy thereof, and where the examination is to take place under an order, also with a copy of the order; such service to be made at least 48 hours before the time appointed for the examination; and the person to be examined is to be paid the same fees as a witness.

Conduct of ex-
amination.

9. The examination shall be conducted in the same manner as in case of an oral examination of an opposite party.

When as-
signor does
not attend or
refuses to
answer ques-
tions.

10. In case such assignor does not attend as required by the said appointment, or appointment and order, as the case may be, and does not allege a sufficient excuse for not attending, or if attending, refuses to disclose his property or his transactions respecting the same, or does not make satisfactory answers respecting the same, or if it appears from such examination that such assignor has concealed or made away with his property in order to defeat or defraud his creditors or any of them, the court or judge may order the assignor to be committed to the common gaol of the county in which he resides, for any term not exceeding twelve months.

Procedure
upon exami-
nation.

11. The rules and procedure from time to time in force in the High Court of Justice for the examination of judgment debtors shall, as far as may be, apply to an examination under this Act in all respects as if the assignor were a judgment debtor.

CHAPTER 24.

An Act to amend The Bills of Sale and Chattel Mortgage Act, 1894.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 19 of *The Bills of Sale and Chattel Mortgage Act 1894*, is amended by adding thereto the following sub-section :—

57 V. c. 37, s. 19, amended.

(5) Notwithstanding anything to the contrary in this Act contained, it shall not be necessary to renew any such mortgage or conveyance where the by-law authorizing the issue of the debentures as a security for which the conveyance or mortgage was made is registered in accordance with the provisions of *The Debentures Registration Act* and a copy of such by-law duly certified by the registrar under his hand and seal is attached to and registered with the said mortgage or conveyance, but such mortgage or conveyance shall in such case continue to be valid as if the same had been duly renewed as in this Act provided.

Renewal of mortgages given to secure debentures of companies.

Rev. Stat. c. 186.

2. Paragraph *b* of sub-section 1 of section 41 of *The Bills of Sale and Chattel Mortgage Act, 1894*, is amended by adding the words “or a duplicate or copy verified by oath” immediately after the words “such writing” in the first line thereof and by adding the words “and also in the office of the county court clerk of the county or union of counties in which such trader or other person resides at the time of making the agreement” immediately after the words “the agreement” in the fourth line thereof.

57 V. c. 37, s. 41, sub-s. 1, amended.

CHAPTER 25.

An Act respecting Dower in Mortgaged and other Property.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Wife joining
in deed with-
out releasing
dower.

1. No action of dower shall be maintained where a wife joins in a deed purporting to convey the land, or signs, otherwise than as a witness, a deed by which her husband conveys or purports to convey the land, notwithstanding that the deed in either case contains no words purporting to convey or release her dower or other estate or interest in the land.

Deeds execut-
ed before
passing of
Act ; rights
of third per-
sons.

2. Nor shall an action of dower be maintained where the wife has heretofore joined in or signed any such deed ; but this section is not to be construed as prejudicing or affecting in any way the rights of third persons claiming the land or some interest therein under a subsequent deed or mortgage heretofore executed by the wife and containing a conveyance or release of her dower or other estate or interest.

Bar of dower
in mortgages,
effect of.

3. In the event of the land, comprised in any mortgage or other instrument hereafter executed by which the mortgagor's wife barred her dower, being sold under any power of sale contained in the mortgage, or under any legal process, the wife shall be entitled to dower in any surplus of the purchase money arising from such sale, which may remain after satisfaction of the claim of the mortgagee or grantee, to the same extent as she would have been entitled to dower in the land had the same not been sold ; and the amount to which she is entitled shall be calculated on the basis of the amount realized from the sale of the land, and not upon the amount realized from the sale over and above the amount of the mortgage only. This section shall not apply where the mortgage is for the unpaid purchase money of the land ; and nothing in this section contained shall be construed to affect, by implication or otherwise, any question in the case of mortgages heretofore executed.

CHAPTER 26.

An Act respecting the relations of Landlord and Tenant.

[Assented to 16th April, 1895.]

HER MAJESTY by and with the advice and consent of the Legislative assembly of the Province of Ontario enacts as follows:—

1. This Act may be cited as *The Landlord and Tenant Act* Short title.
1895.

2.—(1) *The Act respecting Short Forms of Leases*, being chapter 106 of the Revised Statutes of Ontario 1887, is amended as follows : Rev. Stat., c. 106, schedule B amended.

(a) By inserting after the word “made” at the end of the 6th line in the covenant number 3 in column two of schedule B to the said Act the words “by the lessor.” Covenant to repair.

(b) By inserting after the word “fixtures” in the 6th line of covenant number 8 in column two of schedule B to the said Act the words “erected or made by the lessor” and by inserting in the last line of the said covenant number 8 in column two of schedule B to the said Act after the word “fire” the words “and tempest.” Leaving premises in good repair.

(c) By changing the numbers of the present covenants numbered 9 and 10 in columns 1 and 2 of schedule B to the said Act to numbers 11 and 12 respectively ; and by inserting in column 1 of the said schedule immediately after number 8 therein a proviso to be numbered 9 as follows : Removal of tenant's fixtures or determination of lease.

“(9) Provided, that the lessee may remove his fixtures,”

And by inserting in column 2 of the said schedule opposite thereto a proviso to be numbered 9 as follows :

“(9) Provided always and it is hereby expressly agreed that the lessee may at or prior to the expiration of the term hereby granted, take, remove and carry away from the premises hereby demised all fixtures, fittings, plant, machinery, utensils, shelving, counters, safes or other articles upon the said premises in the nature of trade or tenants' fixtures or other articles belonging to or brought upon the said

said premises by the said lessee, but the lessee shall in such removal do no damage to the said premises, or shall make good any damage which he may occasion thereto,"

And by inserting in column 1 of said schedule B a proviso to be numbered 10 as follows :

Rent to cease
after fire until
premises re-
built.

(10) " Provided, that in the event of fire, rent shall cease until the premises are rebuilt,"

And by inserting in column 2 of the said schedule opposite thereto a proviso numbered 10 as follows :

" (10) Provided, and it is hereby declared and agreed that in case the premises hereby demised or any part thereof shall at any time during the term hereby agreed upon be burned down or damaged by fire so as to render the same unfit for the purposes of the said lessee, then and so often as the same shall happen, the rent hereby reserved, or a proportionate part thereof, according to the nature and extent of the injuries sustained shall abate, and all or any remedies for recovery of said rent or such proportionate part thereof shall be suspended until the said premises shall have been rebuilt or made fit for the purposes of the said lessee."

(2) This section applies to leases hereafter executed only.

Rev. Stat.,
c. 143, s. 28,
sub-s. 4,
repealed.

3.—(1) Sub-section 4 of section 28 of the *Act respecting Landlord and Tenant*, is hereby repealed and the following substituted therefor :

Lien of land-
lord for rent
after assign-
ment for
benefit of
creditors.

(4) In case of an assignment for the general benefit of creditors the preferential lien of the landlord for rent is restricted to the arrears of rent due during the period of one year last previous to, and for three months following, the execution of such assignment and from thence so long as the assignee shall retain possession of the premises leased.

Assignee to
retain posses-
sion for
remainder of
term.

(5) 'Notwithstanding any provision, stipulation or agreement in any lease or agreement contained, in case of an assignment for the general benefit of creditors, or in case an order is made for the winding up of an incorporated company, being lessees, the assignee or liquidator shall be at liberty within one month from the execution of such assignment or the making of such winding up order by notice in writing under his hand given to the lessor to elect to retain the premises occupied by the assignor or company as aforesaid at the time of such assignment or winding up, for the unexpired term of any lease under which the said premises were held,

or for such portion of the said term as he shall see fit, upon the terms of such lease and paying the rent therefor provided by said lease.

(2) This section shall apply to future assignments only.

4. The relation of landlord and tenant shall be deemed to be founded in the express or implied contract of the parties, and not upon tenure or service, and a reversion shall not be necessary to such relation, which shall be deemed to subsist in all cases where there shall be an agreement to hold land from or under another in consideration of any rent. And nothing in this Act shall affect any pending litigation.

Foundation of
relation of
landlord and
tenant.

CHAPTER 27.

An Act to amend the Act to provide for the admission of Women to the Study and Practice of Law.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c. 32
amended.

1. Section 1 of the *Act to provide for the admission of Women to the Study and Practice of Law* is amended by inserting before the word “solicitors” in the third line thereof the words “barristers-at-law and.”

CHAPTER 28.

An Act respecting Medical Tariffs.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 16 of *The Ontario Medical Act* is repealed. Rev. Stat.
c. 148, s. 16,
repealed.

CHAPTER 29.

An Act to amend The Pharmacy Act.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 35 of *The Pharmacy Act* as enacted by chapter 28 of the Acts passed in the 56th year of Her Majesty's reign and amended by the Act, chapter 45, of the Acts passed in the 57th year of Her Majesty's reign is repealed.

Rev. Stat., c. 151, s. 35; 56 V., c. 28, amended.
 2. Nothing in *The Pharmacy Act* contained shall extend to or interfere with or affect the making or dealing in any patent or proprietary medicines.

Selling patent medicines.

Proviso.

Provided always that in case of there being reason to apprehend that any such medicine contains any poison mentioned in the schedules to the said Act that renders its use in the doses prescribed dangerous to health or life, the Provincial Board of Health may cause to be made an analysis of such medicine by an analyst or other competent person appointed by the Lieutenant-Governor in Council; and if on such analysis it appears that such patent or proprietary medicine does contain any of the said poisons to an extent rendering its use in the doses prescribed dangerous to health or life, the said board may give notice thereof to the manufacturer or proprietor of such patent or proprietary medicine, or to his agent or representative in this Province of the result of such analysis, and in that case shall name a convenient time and place at which the manufacturer or proprietor may be heard before said board in opposition thereto. If the board is of the opinion that the said patent or proprietary medicine is in the doses prescribed dangerous as aforesaid, the board shall afterwards report their opinion to the Lieutenant-Governor in Council, and the report shall be subject to appeal to the Lieutenant-Governor in Council. The board shall submit to the Lieutenant-Governor in Council the report of the analyst, and the objections, if any, made to the same by the manufacturer or proprietor, together with the report of the board thereon, and if the Lieutenant-Governor in Council approves of the report, notice thereof may be given in the *Ontario Gazette*, and after such notice in the *Ontario Gazette*, the provisions of the said Act with regard to poisons shall apply to such patent or proprietary medicines whether sold by persons registered in pursuance of the said Act, or by others.

CHAPTER

CHAPTER 30.

An Act respecting Veterinary Surgeons.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The present Veterinary College, established by the Agriculture and Arts Association, is hereby continued for the instruction and examination of pupils in anatomy, physiology, materia medica, therapeutics, chemistry, and as to the breeding of domesticated animals, and may exercise such powers as have been delegated to the said College by the said Agriculture and Arts Association. Present Veterinary College continued.
2. The present president of the Agriculture and Arts Association is hereby declared to be president of the said Association from the first day of January, 1896, until the first day of April of the same year for the purpose of signing the diplomas of all such pupils as are recommended by the examiners appointed under sub-section 1 of section 34 of *The Agriculture and Arts Act*, as being competent to practise as veterinary surgeons. President of Association to sign diplomas until 1st April, 1896.
Rev. Stat. c. 39.
3. Veterinary practitioners holding the diplomas of the Agriculture and Arts Association shall be entitled to professional fees in attending any court of law as witnesses in such cases as relate to the profession; and no person who does not possess a diploma or proper certificate from some duly authorized veterinary college, within or without this Province, shall append to his name the term veterinary surgeon, or an abbreviation thereof. Veterinary practitioners.
4. Any person who wilfully and falsely pretends to be, or who wilfully and falsely takes or uses any name, title, addition, abbreviation or description implying or calculated to lead people to infer that he is, or is recognized by law as a veterinary surgeon, within the meaning of the foregoing section of this Act, or that he possesses a diploma Penalty on wrongfully assuming title of veterinary surgeon.

or proper certificate from some duly authorized veterinary college within or without the Province, shall, upon summary conviction before any justice of the peace, pay a penalty not exceeding \$100, and not less than \$25.

Prosecutions.

5. All prosecutions under this Act may be brought and heard before and by any justice of the peace having jurisdiction in the locality where the offence is alleged to have been committed, and such justice shall have power to award payment of costs in addition to the penalty; and, in case the penalty and costs awarded by him are not upon conviction forthwith paid, to commit the offender to the common gaol, there to be imprisoned for any term not exceeding three months, unless the penalty and costs are sooner paid.

Application of penalties.

6. All penalties recovered under this section shall be paid to the convicting justice, and be paid by him to the treasurer of the Ontario Veterinary Association, and shall thereupon form part of the funds of the said Association, and be accounted for as such.

Security to be given on appeals.

7. Any person convicted under this Act who gives notice of appeal against the decision of the convicting justice shall, before being released from custody, give to the said justice satisfactory security for the amount of the penalty and costs of conviction and appeal.

Any one may prosecute within one year.

8 Any person may be prosecutor or complainant under this section, and every prosecution thereunder shall be commenced within one year from the date of the alleged offence.

CHAPTER 31.

An Act to amend The General Road Companies Act.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Clause *a* of section 85 of *The General Road Companies Act* is repealed, and the following substituted therefor:—

Rev. Stat.
c. 159, s. 85
cl. (a) re-
pealed.

(a) For every vehicle, whether loaded or otherwise, and for one horse or other beast drawing the same, one and one-half cents; and for every vehicle whether loaded or otherwise, drawn by two horses or other beasts and the horses or other beasts drawing the same, two cents; and for every additional horse or other beast drawing such vehicle, one cent.

(b) Whenever in computing the toll to be paid, the computation shall result in a fraction of a cent, such fraction shall be counted as a cent.

(2) Clause *c* of the said section is repealed, and the following substituted therefor:—

Rev. Stat.
c. 159, s. 85
cl. (c).

(c) In addition to the above rates, one cent at each time of passing each gate for any portion of the road on either side or both sides thereof for every five hundred pounds over and above six thousand, which a loaded vehicle weighs when the tires are less than four inches wide.

(3) The said section is further amended by adding thereto the following clause:—

Rev. Stat.
c. 159, s. 85,
amended.

(f) On any toll road now established and which is not less than two miles or more than three miles long where one toll only is charged for using the whole length of the road, a charge of three cents for one horse or other animal and any vehicle drawn thereby may be made at each time of passing a gate, or five cents for passing and return on same day if required, and a charge of five cents may be made for a pair of horses or other animals and any vehicle drawn thereby at each time of passing a gate.

Special rates
for short
roads.

Rev. Stat.
c. 159, s. 86
repealed.

2. Section 86 of the said Act is repealed and the following substituted therefor:—

Wide tires
on certain
vehicles.

86. The wheels of every vehicle loaded with masts spars hewn or round timber or otherwise, when the load exceeds in weight three tons, shall, when used upon or passing over the road constructed or owned by any company to which this Act applies, be provided with tires not less than four inches wide, under penalty of paying one cent at each time of passing each gate for any portion of the road on either side or both sides thereof for every five hundred pounds of such load in excess of three tons.

Rev. Stat.
c. 159, s. 91,
repealed.

3. Section 91 of the said Act is repealed and the following substituted therefor:—

Crossing
toll road.

91.—(1) No tolls shall be taken for merely crossing a road or for travelling thereon not more than half a mile in crossing from one transverse road to the transverse road which is nearest to the one from which such crossing was made.

No toll pay-
able by farmer
or gardener
going to work
on his own
farm.

(2) No toll shall be payable by any farmer or gardener residing on the line of such road when going to or returning from his work on his farm or garden, nor for any of his cattle or other stock when being driven or taken from one farm or garden owned or occupied by him to another part of the same farm or garden when such farm or garden also adjoins such road.

Proviso.

Provided that when such farm or garden is not continuous along such road, such farmer or gardener shall not be entitled to travel on said road without toll as aforesaid or drive or take his stock more than one half mile on any part of such road not adjoining or in front of his farm or garden.

Rev. Stat.
c. 159, s. 135,
repealed.

4. Section 135 of *The General Road Companies Act* is repealed and the following substituted therefor:—

Owner allow-
ing persons
to evade tolls
by passing
over his lands.

135. If any person with intent to aid in the evasion of toll, knowingly permits or suffers any other person proceeding on a toll road to pass through any lands adjoining such road and occupied by such first mentioned person or through any gate thereon with any carriage, sleigh, horse, mare, gelding, or any other animal liable to the payment of toll for the purpose of enabling the person so proceeding on such toll road to pass through said lands and to enter upon such toll road beyond any of the said gates or check gates and proceed thereon without paying toll and thereby evade payment of the toll, the person so offending and also the person riding or driving or the owner of the animal or carriage the payment whereon is so evaded, shall, on conviction before any one justice as aforesaid, incur a penalty not exceeding \$4 and not less than \$1 to be levied as aforesaid, with costs.

5.—(1) Section 1 of the Act passed in the 57th year of Her Majesty's reign, chaptered 46, is amended by striking out the words "the owner or occupant of any lands through or along the boundaries of which a toll road has been constructed," in the first and second lines of the said section, and inserting in lieu thereof, the words "any person desiring to commute for a fixed annual sum the tolls payable by him upon using any toll road." 57 V. c. 46,
s. 1, amended.

(2) Section 1 of the said Act is further amended by striking out the words "said owner or occupant" in the seventh line of the said section, and inserting in lieu thereof, the words "the person desiring to commute"; and by striking out the words "the said owner or occupant" in the ninth line of the said section, and inserting in lieu thereof the words "such person." 57 V. c. 46,
s. 1, amended.

(3) Section 1 of the said Act is further amended by striking out the words "for one year" in the eighth line thereof, and by inserting in lieu thereof the words "per annum." 57 V. c. 46, s.
1 amended.

(4) Section 2 of the said Act is amended by striking out the words "any owner or occupant" at the beginning of the said section, and inserting in lieu thereof, the words "any person." 57 V. c. 46,
s. 2, amended.

6.—(1) Section 5 of the last mentioned Act is amended by adding thereto the following as sub-section 2 thereof :— 57 V. c. 46,
s. 5 amended.

2. The commutation shall be based upon the mileage rates of toll authorized by *The General Road Companies Act*, and this Act, and where the distance proposed to be travelled over by the applicant is less than the whole length of the road, the amount of commutation shall be based upon the actual distance which the applicant proposes to use, and he shall be entitled for such commutation rate to use any such portion of the road as may be covered thereby How commu-
tation to be
fixed.

(2) The said Act passed in the 57th year of Her Majesty's reign is amended by adding thereto the following as section 5a :— 57 V. c. 46
amended.

5a. The order of the judge shall continue in force from year to year, at the same rate and until rescinded upon the application of either party, after the expiration of one year from the date thereof. Order of judge
to continue
in force one
year.

(3) Section 7 of the said Act is amended by striking out the words "a ticket or pass" in the seventh and eighth lines of the said section and inserting in lieu thereof "an annual ticket or pass." 57 V. c. 46, s.
7 amended.

7. Where a toll road is intersected by or connected with another toll road, not owned or in the possession of the same company or municipal corporation, the tolls to be charged upon either of the said roads from the point of intersection or con- Tolls on
intersecting
roads not
owned by
same com-
pany.
nection,

nection, shall be based upon the mileage of the road from the point of intersection or connection to its termination in the direction in which the person liable for toll is proceeding.

Issue of commission under Rev. Stat., c. 17, to enquire as to toll roads.

8. The Lieutenant-Governor in Council may appoint a commission of one or more persons for examining into the tolls chargeable and charged on roads or bridges within the Province, whether owned by a company or by individuals, to which *The General Road Companies Act* applies, or which have been constructed or held thereunder, or which collect tolls by virtue thereof or otherwise, and generally as to the costs of such roads or bridges and of their maintenance, and all such other matters respecting such roads or companies as the Lieutenant-Governor in Council shall direct; and the *Act respecting Inquiries concerning Public Matters* shall be deemed to apply to such commission and the proceedings thereof.

Act incorporated with Rev. Stat. c. 159.

9. This Act shall be read with and as part of *The General Road Companies Act*, and shall come into force on the first day of June next, and shall remain in force for one year therefrom only.

CHAPTER 32.

An Act respecting the Chartering of Trust Companies.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as *The Trusts Companies' Act*, Short title. 1895.

2. No company shall hereafter be incorporated, or otherwise authorized, by letters patent to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor's estate or of committee of a lunatic's estate, and no letters patent shall be granted to any company heretofore incorporated conferring any such powers upon such company, without in either case such company having complied with the provisions of this Act, in addition to what is required in other cases by *The Ontario Joint Stock Companies' Letters Patent Act*. Companies to which Act applies. Rev. Stat. c. 157.

3. At the time of the issuing of the letters patent to any such company, and always thereafter, at least three-fourths of the stock of the company, exclusive of the stock held by companies, must be held by persons who are residents of this Province. Three-fourths of stock to be held by residents of Ontario

4. Within three days after the notice for the letters patent first appears in the *Ontario Gazette* a copy thereof shall be served on every trust company theretofore incorporated by Act of the Legislature or by letters patent. Notice of application to be served on other trust companies.

5. No company shall receive authority by letters patent to become or be appointed guardian of the persons of infants or committee of the persons of lunatics. Companies not to act as guardians or committees.

6. The capital stock of the company shall be at least \$100,- 000, paid up before the letters patent issue. Capital stock.

Report on fitness of applicants for incorporation.

7. When application is made for letters patent incorporating a company or granting a company any of the said powers the applicants shall satisfy the Provincial Secretary, or any other member of the Executive Council to whom by order in council the duty may be assigned and transferred, or shall satisfy such officer as may be charged with the duty by the Lieutenant-Governor in Council, respecting the fitness of the applicants for the discharge of the duties appertaining to such trust, and that the same is such as to command the confidence of the public, and also that the public convenience and advantage would be promoted by granting to the proposed company the powers aforesaid; and the minister or officer aforesaid shall report on the said particulars to the Lieutenant-Governor-in-Council for the consideration of the Lieutenant-Governor-in-Council.

Fitness of applicants to act as trust company.

8. The letters patent shall not issue unless the Lieutenant-Governor in Council is in like manner satisfied that the general fitness of the applicants for the discharge of the duties appertaining to such trusts as aforesaid is such as to command the confidence of the public, and that the public convenience and advantage will be promoted by granting to the company the powers applied for.

Powers of trust companies.

9. Any trust company to which this Act applies may, subject to the conditions and provisions of this Act and the aforesaid Letters Patent Act, have granted to such company by letters patent the powers mentioned in the schedule hereto, or such of them as the Lieutenant-Governor-in-Council sees fit.

Act incorporated with Rev. Stat. c. 157.

10. This Act shall be read as part of the said *The Ontario Joint Stock Companies' Letters Patent Act*.

SCHEDULE A.

Powers which may be given to Trust Companies. See section 9.

To take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred or conveyed to them with their consent, upon any trust or trusts whatsoever (not contrary to law) at any time or times, by any person or persons, body or bodies corporate, or by any court of the Province of Ontario;

To take and receive on deposit, upon such terms and for such remuneration as may be agreed upon, deeds, wills, policies of insurance, bonds, debentures, or other valuable papers

or

or securities for money, jewelry, plate or other chattel property of any kind, and to guarantee the safe keeping of the same ;

To act generally as attorney or agent for the transaction of business, the management of estates, the collection of loans, rents, interest, dividends, debts, mortgages, debentures, bonds, bills, notes, coupons and other securities for money ;

To act as agent for the purpose of issuing or countersigning certificates of stock, bonds or other obligations of any association, or corporation, municipal or other ;

To receive, invest and manage any sinking fund therefor on such terms as may be agreed upon ;

To accept and execute the offices of executor, administrator, trustee, receiver, assignee, or of trustee for the benefit of creditors under any Act of the Legislature of the Province of Ontario ; and of guardian of any minor's estate or committee of any lunatic's estate ; to accept the duty of and act generally in the winding up of estates, partnerships, companies and corporations ;

To guarantee any investments made by them as agents or otherwise ;

To sell, pledge or mortgage any mortgage or other security or any other real or personal property held by the company from time to time, and to make and execute all requisite conveyances and assurances in respect thereof ;

To make, enter into, deliver, accept and receive all deeds, conveyances, assurances, transfers, assignments, grants and contracts necessary to carry out the purposes of the said company, and to promote the objects and business of the said company ;

And for all such services, duties and trusts to charge, collect and receive all proper remuneration, legal, usual and customary costs, charges and expenses.

CHAPTER 33.

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c.
164, and 55
V. c. 38.

1. Sub-section 1 of section 50a of the *Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, as the same is enacted by the Act passed in the 55th year of Her Majesty's reign, chapter 38, is hereby repealed and the following substituted therefor:—

Issuing pre-
ference stock.

50a.—(1) The directors of any company may make by-laws from time to time for creating and issuing additional stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law, but such by-law, shall not give priority to the stock thereby provided for over any previously authorized preference stock.

CHAPTER 34.

An Act respecting The Insurance Law.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) This Act shall be read and construed as one with *The Insurance Corporations Act 1892*, hereinafter called the “Principal” Act, and with the Act passed in the 56th year of Her Majesty’s reign and chaptered 32, and with the Act passed in the 57th year of Her Majesty’s reign and chaptered 48.

Interpreta-
tion: con-
struction
generally.

(2) “Contributory” has the same meaning and application as in sub-sections 2 and 3 of section 3 of chapter 183, of the Revised Statutes of Ontario, 1887, of which last mentioned chapter sections 14, 16, 17 and 18 shall, as far as practicable and as is consistent with the provisions hereof, apply to any winding up under this Act, the word “receiver” being deemed for purposes hereof to be substituted in the said sections for the word “liquidator” or “liquidators” wherever either of these latter words occurs.

Particular
words and
phrases:
“contribu-
tory.”

(3) “Estate” includes estate and effects.

“Estate.”

(4) “Creditor” includes every person entitled to claim under a matured policy or under a policy having a fixed surrender value; and, in the case of a corporation required by law or Departmental regulation to maintain an ascertained or ascertainable reserve to meet its actuarial liabilities under unmatured policies, “creditor” also includes any person holding or entitled to claim under such an unmatured policy.

“Creditor.”

(5) “Policy” includes any contract of insurance within the meaning of the principal Act.

“Policy.”

(6) “Account” includes bill of costs.

“Account.”

(7) “Receiver” includes interim receiver.

“Receiver.”

(8) Sub-section 1 of section 2 of an Act passed in the 57th year of Her Majesty’s reign and chaptered 48, is amended by inserting in the 5th line before the word “organization” these words, “trade or labor.”

“Organiza-
tion” in 57
V. c. 48, s. 2,
sub-s. 1.

Interpretation
clause of prin-
cipal Act
amended.

55 V. c. 39,
s. 2, sub-s. 4
amended.

2. Section 2 of the principal Act is hereby amended as follows :—

(1) Sub-section 4 of the said section 2 is amended by inserting after the word “shall” in the 15th line these words: “both as to the corporation and as to the person acting or purporting to act in its behalf.”

55 V. c. 39,
s. 2, sub-s. 6
amended.

(2) Sub-section 6 of the said section is amended by inserting in the first line before the words “registered corporation” the following words: “‘registry’ includes extension or renewal of registry and.”

55 V. c. 39,
s. 2, sub-s. 13
amended.

(3) Sub-section 13 of the said section is amended by adding after the word “sub-sections” in the fourth line the following words: “and also includes any continuously existent body legally entitled to sue and be sued in the name of any officer thereof, or of a public officer, which undertakes or offers to undertake such contract.”

55 V. c. 39,
s. 2 amended.

(4) The said section 2 is further amended by inserting after sub-section 23, sub-section 24, as follows:

“Appeal.”

(24) “Appeal” includes every judicial revision or review of a judgment, decision, order, direction, determination, finding, or conviction, and also includes every case stated or reserved, and every removal of proceedings by way of certiorari or otherwise.

55 V. c. 39,
s. 4, sub-s. 1
amended.

3.—(1) Sub-section 1 of section 4 of the principal Act is hereby amended by striking out in the 9th and 10th lines the words “under either section 38 or section 39” and substituting these words, “either under section 38 before the passing hereof, or issued upon the security of a substantial deposit under section 39.” And the said sub-section is further amended by inserting in the 9th line after the word “Canada,” these words, “or issued under other provision thereof upon such security.”

55 V. c. 39,
s. 4, sub-s. 2
amended.

(2) Sub-section 2 of the said section 4 is amended by striking out in the 30th and 31st lines the words, “in the office where the original declaration of the corporation was filed,” and by substituting therefor these words, “in the office of the Provincial Registrar.”

55 V. c. 39,
s. 6, sub-ss. 1,
2 amended.

(3) Sub-section 1 of section 6 is hereby amended by striking out in the 1st, 2nd and 3rd lines thereof the words “shall upon due application, and upon proof of such license subsisting be entitled to” and substituting these words “may upon due application and upon proof of such license subsisting.”

Sub-section 2 of section 6 is amended by striking out in the 3rd line the words “under or by virtue of sections 38 or 39” and substituting these words “prior to the passing of this Act under or by virtue of section 38, or issued upon the security of a substantial deposit under section 39.”

And

And the said sub-section is further amended by inserting after the word "Canada" in the fifth line these words "or issued under other provision thereof upon such security."

(4) Sub-section 2 of section 7 is amended by adding at the end thereof these words "and the Inspector shall have the same power to summon officers of corporations, receivers and liquidators, and other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books and documents and to give evidence as any court has in civil cases." 55 V. c. 39, s. 7, sub-s. 2 amended.

(5) Sub-section 2 of section 8 is amended by inserting in the 15th line after the word "corporation" these words "or the executive board thereof (by whatever name known)." 55 V. c. 39, s. 8, sub-s. 2 amended.

(6) Sub-section 3 of the said section 8 as added by sub-section 6 of section 10 of the Act passed in the 56th year of Her Majesty's reign and chaptered 32, is hereby amended by striking out in the 7th and 8th lines the words "the presiding officer." 55 V. c. 39, s. 8, sub-s. 3 amended.

4. The principal Act is hereby further amended by inserting after section 8 section 8a as follows :— 55 V. 39, further amended.

8a.—(1) Any revision of or amendment to the rules of a corporation directed in terms of the principal Act or any amending Act by the Registry Officer to be made, and made accordingly or purporting to be so made, and certified by the Registry Officer as conformable to his direction, or as assented to by him when assent in writing suffices without direction, shall so certified be transferred to the office of the Provincial Registrar, there to be filed and indexed, and the rules so certified shall, notwithstanding the declaration or other instrument filed under any general or special Act, be final and conclusive evidence of the rules in force on, from and after the date of the said certificate until any subsequent revision or amendment in like manner certified and filed, and so from time to time; and until so revised or amended and the revision or amendment is so certified, the said rules shall be binding and obligatory upon all members of the corporation. Filing revision or amendment of rules of insurance corporation.

(2) Where at any time doubt arises as to what are the subsisting rules of the corporation, the Registry Officer may hear and determine the question, and his certificate filed as in the next preceding sub-section shall have the same effect as therein enacted.

5. The principal Act is further amended as follows :—

(1) Sub-section 2 of section 9 is amended by striking out in the 5th and 6th lines the words "shall upon due application" 55 V. c. 39, s. 9, sub-s. 2, amended.
13 s. for

for registry under this Act be entitled to" and by substituting these words "may upon due application for registry under this Act."

55 V. c. 39,
s. 11, sub-s. 2
amended.

(2) Sub-section 2 of section 11 is amended by adding at the end thereof these words, "and the Registrar shall have the same power to summon officers of corporations or receivers and liquidators and other persons to attend as witnesses, to enforce their attendance and compel them to produce books and documents and to give evidence as any court has in civil cases."

55 V. c. 39,
s. 18, sub-s. 1
amended.

(3) Sub-section 1 of section 18 is amended by striking out in the 5th line the words "of his finding" and inserting in lieu thereof these words "of the commencement of registry;" also in the 8th line by striking out the word "finding" and inserting in lieu thereof the word "commencement."

55 V. c. 39,
s. 19, sub-s. 1
amended.

(4) Sub-section 1 of section 19 is amended by striking out in the 8th line the words "shall be entitled" and substituting these words "may be admitted."

55 V. c. 39,
s. 22, sub-s. 2
amended.

(5) Sub section 2 of section 22 is amended by adding at the end thereof these words, "except by the consent, comity or acquiescence of the Province or State where such contracts of insurance are undertaken."

55 V. c. 39,
s. 24,
amended.

(6) After sub-section 1 of section 24 the following sub-section is inserted as sub-section 1a:—

"(1a) The head office of a corporation may be changed upon the like procedure."

55 V. c. 39,
s. 24, sub-s. 2
amended.

(7) Sub-section 2 of section 24 is amended by inserting after the word "name" in the first line and in the second line respectively these words, "or head office."

55 V. c. 39, s. 26
amended.

(8) Section 26 is amended by inserting after sub-section 8 sub-sections 9 and 10 as follows:

Evidence of
filing docu-
ments.

"(9) In the case of any document by this Act or by any of the Acts mentioned in section 1 hereof, required to be filed in the office of the Provincial Registrar, a certificate of filing shall be *prima facie* evidence of the filing if signed or purporting to be signed by the Deputy or Assistant Provincial Registrar, or by the acting deputy or assistant.

Books,
accounts and
documents as
evidence.

"(10) The books, accounts and documents of the corporation, and entries in the books of its officers or receiver or liquidator, are *prima facie* evidence of the matters to which the entries relate as against the corporation, or any of its branches, or as between any of the branches, or their members, or as between contributories or alleged contributories.

(9) Sub-section 1 of section 27 is amended by inserting in the fourth line after the word "authorized" these words, "by law and." Also sub-section 4 of the same section is amended by adding these words at the end thereof: "and the appeal shall be to a Divisional Court, of the High Court."

55 V. c. 39, s. 27, sub-ss. 1, 4, amended.

(10) Section 29 is amended by adding thereto sub-sections 3 and 4 as follows:—

(3) No insurance corporation, or branch or lodge thereof, shall contract with any of its auditors, trustees, directors, or executive officers for any loan or credit, or borrowing of money, and every such attempted loan or borrowing is hereby absolutely prohibited.

55 V. c. 39, s. 29, amended.

Loans to and from directors, etc., forbidden.

(4) Where, in any insurance corporation or branch or lodge thereof, the trustees, directors or the executive or managing board (by whatever name known) or the executive or managing committee make such an investment of any of the corporation's money as is not authorized by law, or where the board or committee lend any of the corporation's money, or transfer the beneficial ownership in any of the corporation's property or assets to any member of the board or committee or to any auditor, trustee, director, or executive officer of the corporation, all the members of the board or committee (as the case may be) who voted in favor of or assented to the said investment or loan or transfer shall as for a breach of trust be personally liable jointly and severally to repay or restore (as may be directed) the money, property or assets so invested or loaned or transferred, together with interest, and also with rests, if the Court shall so determine. Actions may at any time be brought by any member of the corporation in the name of himself and his fellow members generally without designating his fellow-members individually; and all trustees, directors or members of the board or committee may be made defendants, and the proof shall be on any such defendant that he did not vote for or assent to the said investment, loan or transfer. If, in the opinion of the court the plaintiff has proved the investment or loan or transfer illegal, he shall be entitled to his costs out of the funds of the corporation; and the corporation, or the receiver or estate thereof, shall have the right to recover over against the defendants personally or from such of them as the Court may determine.

Action to recover money illegally invested or loaned.

55 V. c. 39, ss.
30, 31
amended. (10) Sections 30 and 31 are hereby amended by striking out the word "Registrar" wherever it occurs and by substituting therefor the words "Registry Officer"; also by striking out the term "registered society" or "society" wherever it occurs and substituting therefor the words "corporation or branch or lodge of the corporation"; and sub-section 6 of section 30 is further amended by striking out in the fourth line the word "and" and inserting the word "or" in lieu thereof.

55 V. c. 39, s.
33, sub-s. 1
amended. Sub-section 1 of section 33 is amended by adding after the word "beneficiary," in the tenth line, the following words:—

"But nothing herein contained shall exclude the proposal or application of the assured from being considered with the contract, and the Court shall determine how far the insurer was induced to enter into the contract by any material misrepresentation contained in the said application or proposal."

55 V. c. 39, s.
34, sub-s. 1
amended. (11) Sub-section 1 of section 34 is amended by adding at the end of the sub-section the following proviso:—

"Provided also that where the application for, and contract of, insurance expressly limit the insurable age and where the actual age of the applicant for insurance at the date of his application exceeds the age so limited this sub-section shall not apply; but in such case the contract shall be voidable at the discretion of the insurer within thirty days after the error in age comes to the knowledge of the insurer."

55 V. c. 39, s.
35, sub-s. 3
amended. (12) Sub-section 3 of section 35 is amended by striking out in the 6th, 7th, 8th and 9th lines respectively, the figures "25, 30, 35 and 40," and by substituting therefor the figures "32, 40, 48 and 56" respectively.

55 V. c. 39, s.
38, sub-s. 5
amended. **6.** The principal Act is hereby further amended as follows:—

(1) In sub-section 5 of section 38 in the 6th line, the words "his finding" are struck out and the words "the commencement of registry" are inserted in lieu thereof; also in the 9th line the word "finding" is struck out and the word "commencement" is inserted in lieu thereof.

55 V. c. 39, s.
38, sub-s. 6
amended. (2) Sub-section 6 of the said section 38 is amended by striking out in the third and fourth lines the words "a Canadian" and by inserting these words "an Ontario" in lieu thereof.

55 V. c. 39, s.
33, sub-s. 9
repealed. (3) Sub-section 9 of the said section 38 is hereby repealed.

(4)

(4) Sub-section 11 of section 38 is amended by striking out all the words of the sub-section as far as and including the words "then to" in the 5th line, and by substituting therefor the following words:—

55 V. c. 39,
s. 38, sub-s. 11
amended.

"If any registered agent is convicted of an offence against this Act or of any indictable offence punishable by a term of imprisonment exceeding two years, the Registry Officer upon proof of such conviction shall revoke, or pending an appeal from the conviction may suspend, and if the conviction is affirmed on appeal, then he shall."

(5) Sub-section 1 of section 39 is amended by adding at the end of the said sub-section the following proviso:—

55 V. c. 39,
s. 38, sub-s. 1
amended.

"Provided that the society with the assent in writing of the Registrar of Friendly Societies may from time to time make other provision by its rules for the absolute severance of a member and the determination of his liability; and such other rules, together with the written assent, shall be transferred to the office of the Provincial Registrar, there to be filed and indexed; and on, from and after the day of the said assent, the said rules shall be binding and obligatory upon all the members until superseded by other provision in like manner filed."

"Provided also that in no case shall the period over which the said assessments, fees and dues extend exceed twelve months."

(6) Sub-section 1 of section 44 is amended by striking out in the 7th line the word "society's" and inserting in lieu thereof the word "corporation's."

55 V. c. 39,
s. 44, sub-s. 1
amended.

(7) Sub-section 2 of section 44 is amended by striking out in the 5th line the word "Registrar" and inserting in lieu thereof the words "Registry Officer."

55 V. c. 39,
s. 44, sub-s. 2
amended.

(8) Section 45 is amended by striking out in the first line the word "Registrar" and inserting in lieu thereof the words "Registry Officer"; also by substituting for the words "friendly society" or "society" and "society's" wherever they occur, the word "corporation" and "corporation's" respectively.

55 V. c. 39,
s. 45 amended.

(9) Sub-section 2 of section 51 as amended by section 10 of an Act passed in the 56th year of Her Majesty's reign and chaptered 32, is hereby amended by substituting therein the words "one month" for "two months" and the words "two months" for "three months."

55 V. c. 39,
s. 51, sub-s. 2
amended.

(10) Sub-section 1 of section 52 is amended by adding at the end thereof the following words:—

55 V. c. 39,
s. 52, sub-s. 1
amended.

"Provided that where the corporation is not constituted exclusively or chiefly for insurance purposes, and
the

the insurance branch and fund are completely severable from every other branch and fund of the corporation then the word 'corporation' for purposes of sections 52 to 59, inclusive, means only the insurance branch of the corporation."

55 V. c. 39,
s. 52, amend-
ed.

The said section 52 is further amended by adding thereto sub-sections 3 4, 5 and 6 as follows:—

Commence-
ment of wind-
ing up.

"(3) The winding up of any corporation under this Act shall be deemed to commence at the beginning of the day on which the corporation became unregistered in terms of section 53; and when the corporation is constituted for the transaction of insurance exclusively, its corporate powers shall *ipso facto* cease and determine except for the sole purpose of winding up its affairs.

Effect of
winding up.

"(4) After the date of the commencement of the winding up, any transfer of shares unless made by authority of the High Court, or any alteration in the status of members of the corporation shall be void; and no suit, action or other proceeding shall be proceeded with or commenced against the corporation except by leave of the court and subject to such terms as the court imposes; and every attachment, sequestration, distress or execution put in force against the estate of the corporation shall be void.

Cesser of
contracts of
employment.

"(5) All contracts of employment entered into by the corporation shall *ipso facto* cease and determine at the commencement of the winding up.

No marshal-
ling of assets;
nor preference
of creditors
except as
enacted.

"(6) In any winding up under this Act all the funds, assets and property of the liquidating corporation or any liquidating branch or lodge thereof shall be deemed general assets of the liquidating corporation, branch or lodge, respectively, for the payment of all debts of the corporation, branch or lodge respectively, and are not to be applied to the payment of any particular debts, preferentially, or exclusively, except as otherwise herein expressly enacted."

55 V. c. 39,
s. 53, amend-
ed.

(11) Section 53 is amended by inserting after sub-section 1 thereof, sub-section 1a as follows:

Receiver
subject to
summary
jurisdiction
of court.

"(1a) Every receiver (including interim receiver) shall be subject to the summary jurisdiction of the court, in the same manner, and to the same extent, as the

ordinary

ordinary officers of the court are subject to its jurisdiction; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right of property, upon, in, or to any effects or property, in the hands, possession, or custody of a receiver, may be obtained by an order of the court on summary petition, and not by any action, suit, attachment, seizure, or other proceeding of any kind whatsoever; and obedience by the receiver to such order may be enforced by the court under the penalty of imprisonment, as for contempt of court, or disobedience thereto; and in the discretion of the court, he may be removed, and, with or without removal of the receiver, the Court may order the amount of any damage, loss or costs, ascertained to have been occasioned to the estate by his misconduct, misfeasance, laches or neglect, to be deducted from his remuneration earned, or to be paid by him or his sureties.

Remedies against estate obtained by summary order.

Remedies by the estate against receiver.

Section 53 is further amended by adding thereto sub-section 3 as follows:—

55 V. c. 39, s. 53 amended.

- (a) Notice from the Registry Officer to any person or corporation that the registry of an insurance corporation has been revoked or cancelled, or that the corporation has become unregistered, is sufficient notice that the funds and securities of the unregistered insurance corporation are subject solely to the order of the High Court."

Notice that the assets are a fund in court.

(12) Sub-section 3 of section 53 is hereby amended by striking out the word "duplicate" in the 7th and 8th lines and substituting therefor the word "triplicate"; and the said sub-section is hereby further amended by adding the following words at the end thereof: "and such moneys and securities when so deposited shall be held to be deposited to the joint credit of the said unregistered corporation and of the Accountant of the Supreme Court of Judicature."

55 V. c. 39, s. 53, sub-s. 3 amended.

(13) Sub-section 3 of section 54 is hereby amended by striking out in the 3rd line the word "duplicate" and substituting therefor the word "triplicate," and by adding at the end of the said sub-section these words: "and the interim receiver shall forthwith deliver another of the triplicate receipts to the Accountant of the Supreme Court of Judicature, at Osgoode Hall, Toronto."

55 V. c. 39, s. 54, sub-s. 3 amended.

(14) Section 54 is amended by adding, thereto sub-sections 8, 9 and 10 as follows:

55 V. c. 39, s. 54 amended.

- (8) The bonds, guarantee policies, or other securities, of every receiver, under this Act, are to be made to the Registry Officer, and when approved by the

Bonds, etc., of receiver to be made to Registry Officer.

Master

Master are to be transferred to the Registry Officer, to be deposited and remain in the same custody as securities deposited by insurance companies under *The Ontario Insurance Act*.

Registry officer to be corporation sole, for purposes of holding receivers' securities.

- (9) For the purposes of holding the securities of receiver, and all estate therein, to the use of the unregistered corporation, the Registry Officer shall be a corporation sole, by the name of "Insurance Registry Officer for Ontario" and the said registry officer, as such corporation sole, shall have perpetual succession, and may sue and be sued, may plead and be impleaded in any of Her Majesty's courts in this Province.

Receivers' securities heretofore made.

- (10) All securities heretofore made under this Act to any person or persons, other than the Registry Officer, and in force at the passing of this sub-section, shall forthwith be assigned and transferred to the Registry Officer, to be deposited and remain in the same custody as prescribed by sub-section 8 of this section

55 V. c. 39, s. 56 amended.

7. Section 56 of the principal Act is amended as follows:—

55 V. c. 39, s. 56, sub-s. 1 amended.

"(1) Sub-section 1 of the said section 56 is amended by striking out in the third line the words "or may appoint another receiver or" and by substituting therefor these words, "and may appoint another person to be receiver, or with the consent in writing of the Registry Officer, may then or afterwards dispense with a receiver, and." And the said sub-section 1 is further amended by adding at the end thereof the following proviso: "Provided that, where there is no receiver, the procedure shall, as nearly as may be, conform to the procedure herein prescribed for winding up with a receiver; and the assets shall be realized and distributed by or under the direction of the Master among the persons entitled thereto, in the same way, as nearly as may be, as if the distribution were being made by the receiver; a Judge of the High Court may make an order directing how the books, accounts and documents of the corporation and of the receiver are to be disposed of, and may order that they be deposited in court or otherwise dealt with as may be thought fit. Provided also that in any case there shall not be more than one receiver at any one time, except with the consent in writing of the Registry Officer."

55 V. c. 39, s. 56, sub-s. 2 amended.

(2) Sub-section 2 of the said section 56 is amended by inserting before the first word thereof these words: "Subject to the provisions hereinafter contained." And the said sub-section 2 is further amended by striking out in the fourth line the words: "and schedules of creditors and contributories," and by inserting in lieu thereof these words: "shall settle and determine a list of the contributories and the amounts which they

they are respectively liable to contribute to the assets of the estate, and shall also settle and determine the claims of creditors and the amounts to which they are respectively entitled, and all matters of set-off affecting, or alleged to affect such contributions or claims, shall." And the said sub-section 2 is further amended by adding at the end thereof the following words:

"In fixing the receiver's remuneration his efficiency and expedition in winding up shall be considered; in no case shall the winding up be prolonged beyond the space of one year from the commencement, except for special and urgent cause shown to the satisfaction of the Registry Officer, and when prolonged beyond the said period for such cause so shown the Registry Officer by a consent in writing shall limit a day for the final closing of the books and accounts of the estate. Where the creditors are subjected to delay or the estate to expense by any want of care, diligence or efficiency in the receiver, the Master, or a Judge in chambers on an appeal from the Master, on motion of the Registry Officer, or of any creditor, contributory or other person interested in the estate may impose a fine on the receiver of not less than \$20 nor more than 200 and costs, which thereupon shall be deemed to be a debt adjudged due from the receiver to the estate, and execution may issue forthwith or the amount may be charged against any remuneration already earned by but not yet paid to the receiver.

(3) After sub-section 2 sub-sections 2*a*, 2*b*, 2*c*, 2*d*, 2*e*, 2*f*, 2*g*, 2*h*, 2*i*, 2*j*, and 2*k*, are inserted as follows:—

(2*a*) "Under the direction of the Master the receiver shall, as far as practicable, act personally in all matters relating to the estate, shall attend on correspondence, give notices, file or copy documents, prepare schedules, make calls on persons found or adjudged subject thereto, and shall personally perform such other duties and services in the receivership as shall from time to time be proper and necessary in the business of the receivership; and no costs shall be paid or allowed for the performance of duties or services which properly devolve upon the receiver personally, either within the intent of this Act or by virtue of any law or practice relating to receivers in force in Ontario.

Receiver to act personally as far as practicable.

(2*b*) "A minute entered on the Master's book shall have the same force as a formal order or direction; and except in special cases, no costs shall be allowed for attending on or taking out a formal order or direction. A copy of any minute certified under the hand of the master shall be competent evidence

Minute on Master's book to have force of formal order or direction.

evidence thereof, and for every such certificate a fee of 50 cents shall be payable to the master."

Form of advertisement for creditors.

"(2c) The advertisement for or notice to creditors or claimants shall be to the effect of the form in schedule A hereto."

Certain claims to be collocated without other proof than company's books, etc.

Three schedules of claimants to be prepared.

(2d) Upon the evidence mentioned in sub-section 10 of section 26 of this Act, (unless upon error shown to the satisfaction of the Master) and without the creditor or claimant filing further or other proof or making any formal claim or giving notice, the receiver shall prepare each in duplicate the three several schedules next hereinafter mentioned with the amount for which or having relation to which each creditor or claimant appears entitled to rank on the assets. Upon the said several amounts being verified to the satisfaction of the Master, and in the absence of contestation by any person interested, or party, the creditor or claimant shall be collocated and ranked accordingly.

Schedule of preferred creditors.

The first of the said three schedules may be described as the *Schedule of Preferred Creditors*. This schedule shall include the names, addresses and descriptions of the persons mentioned in sub-section 5 of section 61 hereof, together with the total amount to which, on the aforesaid evidence (particular reference being made to the book and page, or as the case may be) the said persons are severally entitled, together also with the amount in respect of which they are severally entitled to rank as preferred creditors.

Schedule of ordinary creditors.

The second of the said schedules may be described as the *Schedule of Ordinary Creditors*. The schedule shall include those preferred creditors who, in respect of an unpreferred residue, are entitled to rank as ordinary creditors and the amount in each case of such residue; also all creditors entitled to claim under policies matured before the commencement of winding up, or under policies having at that date a fixed surrender value, or under policies unmaturing at the commencement of winding up, but secured by deposit under *The Ontario Insurance Act*, together with the following particulars in the case of each policy, viz: The number and description of the policy, the date of issue (and, in the case of any life insurance policies, the age of the assured at date of issue) the name and address of the assured, and of his assignee, if any, the amount for which the policy was issued and the value of the policy or of the unearned premium, as the case may be, taken as at the commencement of the winding

winding up, and in the case of policies issued for a term of years, the date of the expiry of the term. The said second schedule shall further include particulars of the several obligations other than policies issued by the corporation and outstanding at the commencement of winding up, with the names of the obligees and payees and the value of the said obligations taken as at that date, and shall also include the names and addresses, so far as known, of all other persons entitled to rank upon the assets not being persons and claims falling within the scope of the first and third of these schedules.

The said third schedule may be described as the *Schedule of Unmatured and Unsecured Policies*. This schedule shall include all policies in force at the commencement of winding up, but not falling within the scope of the said second schedule, and shall furnish the like particulars as therein mentioned, except as to the value of the policy, and shall further show the aggregate of the contributions made by the assured to the reserve or surplus fund, if any, of the corporation; and in any distribution of any surplus assets the distributive share under any policy shall be proportionate to the said aggregate of contributions by the assured, with or without interest thereon, as the Master under the circumstances shall deem to be just; provided that when the registry of the corporation was cancelled for insolvency or impending insolvency, or where the Master is of opinion that the assets of the estate are insufficient or not more than sufficient to pay in full the claims entitled to be ranked in the said first and second schedules, the Master may dispense with the preparation of the said third schedule.

Schedule of the unmatured and unsecured policies.

As soon as may be after the commencement of the winding up the receiver shall prepare *Schedules of Debtors and Contributories*. The *Schedule of Debtors* shall show the names and addresses (so far as the addresses can be ascertained) of all persons actually indebted to the estate or against whom the estate holds obligations or accounts accruing due with particulars of the same and of the securities if any held by the estate, reference being in every case made to the books or other evidentiary matter in the hands of the estate. The *Schedule of Contributories* shall show the names and addresses (so far as the addresses can be ascertained) of all members of the corporation and persons who are subject to call, or otherwise liable to contribute to the assets of the estate, and the extent of such liability, giving the like reference to evidence.

Schedule of debtors and creditors.

The

The several schedules in this sub-section mentioned shall be prepared by the receiver in triplicate; one of the triplicates verified by his oath shall be filed in the Master's office; another shall be delivered to the Registry Officer; and the third shall be kept in the receiver's office, and made accessible on demand to all persons interested in the estate.

Procedure
after expiry of
the time
limited for
claims.

(2e) After the expiration of the time limited by the advertisement for creditors or notice to claimants, the master shall then proceed without delay to settle and determine the list of creditors and the claims of alleged creditors, and the amounts to which those persons by him adjudged to be creditors are respectively entitled; also to settle and determine the lists of debtors and contributories and the amounts they severally are liable to pay or contribute to the assets of the corporation; also to settle and determine all matters of set-off affecting or alleged to affect such claims against, or debts or contributions to, the estate. The Master shall have authority to disallow and exclude all claims of which notice was not given within the time limited; and thereafter he shall report directing a distribution of the assets among the persons entitled thereto, having regard only to the claims of which the receiver had notice within the time limited; but it shall also be competent for the Master to make an interim report or reports whenever deemed advisable; and, when deemed necessary, to direct the payment of an interim dividend or of interim dividends. It shall not be necessary to procure an order for the payment out of court of any dividend declared by the Master's report, after the said report becomes absolute or confirmed by lapse of time or is affirmed on final appeal as the case may be. Such payment out shall be made by the Accountant of the Supreme Court of Judicature upon the production of the report with a certificate by the said Master, certifying the date of the filing and that the said report has become absolute, or has been affirmed on final appeal as the case may be.

Inquiry into
misfeasances
and defaults
of directors.

"(2f) Where, in the course of winding up a corporation under this Act, it appears to the Master or the Registry Officer that any past or present trustee, auditor, director, manager, officer, official, receiver or liquidator of the corporation has misapplied or retained in his own hands or become liable or accountable for any moneys, assets or property of the corporation, or has been guilty of any misfeasance or breach of trust or duty in relation to the

the corporation, or whose conduct in the management of the affairs of the corporation has been such as in the opinion of the Registry Officer to require investigation, the Master, on the application of the Registry Officer, and after at least ten days' notice served on the person or on the several persons whose conduct or dealings are to be investigated, shall and is hereby authorized and empowered, notwithstanding that the offence is one for which the offender is criminally responsible, to examine into the conduct and dealings of the said person or persons, and report to the Court his conclusions upon the evidence; and where the Master by his report finds as a fact that such default or misfeasance has been committed and ascertains the loss to the estate thereby, and ascertains the person or persons who committed the act or acts of default or misfeasance, or breach of trust or duty, the Master by his report may direct the said person or persons severally or jointly, or jointly and severally to pay to the estate a certain sum or sums of money with or without interest, and with costs if any, occasioned by the default, misfeasance or breach of trust or duty, or the Master may by his report disallow any account that such defaulter or misfeasant may have for his services or salary, and the report of the Master when made shall be subject to the provisions of this Act as to filing, confirmation and enforcement.

- “(2g) Where any report is made by the Master, he shall deliver out his report to the receiver, and the Receiver shall forthwith file the same in the Master's office, or if the matter or proceeding is in Toronto or the county of York, then in the proper office at Osgoode Hall; and thereupon in the *Ontario Gazette*, and in a newspaper issued at or nearest the place where the head office of the unregistered corporation is situate, the receiver shall give notice of the date of filing; the receiver shall also forthwith deliver a copy of the report to the Registry Officer and notice of the day of filing; the receiver shall also keep in his own office a copy of the report endorsed with the date of filing, and make the same accessible on demand to all persons interested in the estate.”
- “(2h) Upon any report of the Master (or the said report as amended on appeal, if any) becoming absolute under the rules of the Court, every person ascertained by the report to be indebted in a specified sum to the estate of the corporation shall, *ipso facto*, and without further proceedings, and as after final judgment

Filing of master's report and notice of filing.

ment be deemed and be debtor to the estate in the sum specified, and thereafter the Master may under his hand certify that by his report dated _____ and filed in _____ on the _____ day of _____ 18 (*supplying the necessary particulars*) the person named in the certificate has been found indebted to the estate of the unregistered corporation (*naming it*) in the sum of \$ _____ with \$ _____ interest (*if any*) and \$ _____ costs (*if any*).

Transcript of judgment.

- (2i) The receiver or the Registry Officer thereupon by precept or requisition directed to the clerk of any division court or county court, or to the proper registrar or his deputy in the High Court, may require the said certificate to be entered as a judgment of the Court, and thereupon it shall be entered accordingly, and thereafter the receiver or the Registry Officer may take any proceedings or process for the enforcing and collecting judgment that could be had or taken for the like purpose upon any judgment of the said court.

A fee of 25 cents shall be payable to a Local Master in respect of each certificate under this sub-section.

General writ of execution within county.

- “(2j) When the Master finds that certain contributories or other persons liable to pay to the estate any sum of money, damages or costs, reside within the county or bailiwick of any sheriff he may direct one writ of execution to issue, commanding the sheriff to execute the said writ against the goods and chattels or lands and tenements of each of the persons named therein in respect of the sum of money, damages or costs specified as payable by each of the said persons respectively, and thereupon the sheriff shall proceed to execute the said writ of execution as he would if separate writs of execution for the sum of money, damages or costs had been issued against each of the said persons respectively.”

Purchase of assets by officers, etc., prohibited.

- “(2k) Any purchase of assets of the unregistered or liquidating corporation, or of any member's right to rank on the assets, or of a member's dividend by any person directing, managing, auditing, or employed by the corporation within three years next before receivership or liquidation, or any such purchase by any receiver, or liquidator or inspector of the estate is hereby absolutely prohibited, and any pretended purchase or assignment such as aforesaid shall be utterly void. This sub-section shall apply also to any winding

winding up of an insurance corporation under chapter 183 of the Revised Statutes of Ontario, 1887, or under any other Act of the Province."

(4) Sub-section 7 of the said section 56 is amended by striking out in the 4th line the words "is in the case of Friendly Societies." 55 V. c. 39,
s. 56, sub-s. 7
amended.

(5) Sub-section 8 of the said section 56 is amended by inserting after the word "passing," wherever it occurs, the words, "or taxation"; and also by inserting after the word "account," wherever it occurs, the words, "or bill of costs"; and also by adding at the end of the sub-section the words "or taxed." 55 V. c. 39,
s. 56, sub-s. 8
amended.

(6) Sub-section 10 of the said section 56 is repealed and the following sub-section is substituted therefor:— 55 V. c. 39,
s. 56, sub-s. 10
repealed.

(10) Where any insurance corporation, company, society or association is being wound up either under this Act, or under chapter 183 of the Revised Statutes of Ontario, 1887, or other Act of the Province, the Registry Officer shall be a competent party for commencing or prosecuting any action, matter or proceeding relative to the estate of the corporation, or to a receiver or liquidator thereof, or to the sureties of either; and to every such action, matter or proceeding otherwise taken, commenced or prosecuted and to every taxation, retaxation, review or revision of costs affecting the estate, the Registry Officer shall be a competent and necessary party. Registry
officer as a
party to
winding up
proceedings.

8. Section 61 of the principal Act is hereby repealed and the following section is substituted therefor:— 55 V. c. 39, s.
61 repealed.

61.—(1) Except by consent in writing of the Registry Officer no counsel or solicitor shall be employed to act for the receiver or others at the expense of the unregistered corporation or of its funds or estate. Employment
of counsel or
solicitor by
receiver.

(2) The Local Master or other local officer after taxing any bill of costs payable wholly or in part out of the estate shall forthwith transmit the same for revision to the proper taxing officer at Toronto, as directed by the Consolidated Rules of Practice in the case of bills of costs in actions where the amount is to be paid out of a fund in court, all of which said rules shall equally apply to the costs of all matters and proceedings in any receivership or winding up under this Act as to the costs in actions where the amount is to be paid out of a fund in court.

Costs of proceedings in winding up.

- (3) The taxed costs of any action, matter or proceeding taken by the Registry Officer, or by the receiver with the written assent of the Registry Officer, shall be paid out of the funds or estate of the corporation; the costs of all other actions, matters or proceedings shall be in the discretion of the Court.

Costs of winding up to be first charge on estate.

- (4) All costs charged and expenses properly incurred in the receivership and winding up of the corporation, including the remuneration of the receiver, shall be payable out of the assets of the corporation in priority to all other claims.

Clerks and wage-earners to be preferred creditors.

- (5) Subject to the foregoing provisions, the Master in distributing the assets of the corporation under this Act, shall pay in priority to the claims of the ordinary or general creditors, the salary or wages of all clerks and wage-earners in the employment of the corporation due at the date when the corporation became unregistered or within one month before, not exceeding three months' salary or wages, and such persons shall be entitled to rank as ordinary or general creditors for the residue of their claims.

55 V. c. 39, s. 62 amended.

9. Sub-division 4 of division II. of section 62 of the principal Act is amended by striking out in article (e) the figure "5" and substituting therefor the figure "3."

The said section is further amended by adding at the end thereof :—

"Provided, that when the fee for any term of registry under this section exceeds \$10, the fee payable for a certificate covering a period of six months or under shall be one-half of the fee payable for the full term."

Company guaranteeing its own employees.

10.—(1) Any incorporated company standing registered as hereinafter provided, having not less than twenty-five officers, employees or servants, instead of taking private sureties or the bonds of a guarantee company, may, by arrangement with its employees, contract to insure their fidelity by means of a guarantee fund provided as may be agreed out of the salary or wages of such officers, employees or servants, the whole to be conducted under rules and a form or forms of contract approved in writing by the Inspector of Insurance, which may from time to time be amended under his direction or with his assent in writing, and such rules and forms, original and amended, shall from time to time be filed and indexed in the office of the Provincial Registrar.

(2) The said company may upon due application made to the Inspector of Insurance, be admitted to registry upon the register mentioned in sub-section 1 of section 4 of the principal Act and may from time to time upon due application so made renew its registry, but unless and until so registered, and unless it stands registered, the said or any unregistered company shall not undertake, nor agree or offer to undertake any contract by this section authorized, or within the intent of the principal Act, and the term of registry shall be as provided under section 18 of the principal Act.

(3) The fees payable to the Provincial Treasurer in respect of the said registry shall be the same as provided in sub-division 1 of division 2 of section 62 of the principal Act, except that as to the certificate of registry (original or renewed), the fee shall be \$10, and as to revivor of registry the fee shall be \$10.

(4) On or before the first day of February in each year the corporation so registered shall make a statement of its guarantee fund in the form directed by the Inspector of Insurance.

11. Chapter 167 of the Revised Statutes of Ontario is amended as follows :—

Rev. Stat.
c. 167
amended.

(1) Sub-section 3 of section 120 of the said chapter is amended by striking out in the 4th line the words "of the evidence given" and by substituting therefor these words, "of all matters received in evidence"; and the said section is further amended by adding thereto sub-sections 4, 5 and 6 as follows :—

Rev. Stat. c.
167, s. 120,
amended.

"(4) Any director or officer of the insurance company, or the assured, or any person claiming under the policy, or any person prejudicially affected by any of the evidence so far received, shall have the right to attend personally and by counsel, the investigation or proceedings as party thereto, and to call, examine, cross-examine or re-examine witnesses, as the case may be.

Parties to the
investigation.

"(5) No director or officer of the insurance company, nor any other person interested as hereinbefore mentioned, shall act as magistrate or coroner in any fire investigation; nor shall he act for the magistrate or coroner as clerk, reporter or otherwise, in taking down or recording the depositions or evidence.

Interested
persons not
to act as
magistrate
or coroner;
nor record
evidence.

"(6) The two next preceding sub-sections shall equally apply to all fire investigations held by Coroners or Provincial Coroners under any law of the Province."

Application of
sub-sections
4 and 5.

(2) Section 136 of the said chapter is hereby amended by striking out the word "fifty" wherever it occurs and by substituting therefor the word "sixty."

Rev. Stat. c.
136, s. 6
amended.

12. Section 6 of chapter 136 of the Revised Statutes of Ontario, as amended by section 3 of an Act passed in the 51st year of Her Majesty's reign and chaptered 22, and by section 6 of an Act passed in the 53rd year of Her Majesty's reign and chaptered 39, and by section 8 of an Act passed in the 56th year of Her Majesty's reign, and chaptered 32, is hereby amended by adding at the end of sub-section 1 the following words:

Re-disposition
by will.

" And whatever the insured may under this section do by an instrument in writing attached to or indorsed on or identifying the policy, or a particular policy or policies, by number or otherwise, he may also do by a will identifying the policy or a particular policy or policies by number or otherwise.

" Apportion."

" 'Apportion' " or 'apportionment' in this section includes and authorizes any division, sub-division, re-apportionment, or disposition of insurance moneys or benefits among any of the class of persons who under this or any amending Act are entitled to be preferred to creditors of the assured; and also includes any disposition of the said moneys or benefits such as partly or wholly to divest the right, or to enlarge or diminish the interest of a beneficiary or beneficiaries acquired under any prior disposition of the said moneys or benefits, or such as to substitute one beneficiary of the said class for another or others or all others, or conversely.

Proviso.

"Provided that the assured shall not by virtue of this section be authorized to divert the said moneys or benefits from all of the said class to a person not of the said class, or to the assured himself, or to his estate; or to divert the said insurance moneys or benefits, or any part thereof, from the original beneficiary when the policy expressly states that that beneficiary was a beneficiary for valuable consideration.

Inconsistent
enactments
repealed.

13. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

SCHEDULE A.

Referred to in Section 7 (3).

INSURANCE CORPORATIONS ACT 1892.

In the High Court of Justice, Division.

In the matter of , an unregistered insurance corporation.

Pursuant to the judgment and direction of the Registry Officer herein, dated the day of , 18 , revoking and cancelling the registration of the above named corporation (*or as the case may be*).

The creditors and persons (other than holders of unmatured policies or certificates of the corporation) having claims against the said corporation are, on or before the day of , 18 , to deliver or send by post, prepaid, to , of , the Receiver of the above mentioned corporation, an affidavit showing their christian names and surnames, addresses and descriptions, the full particulars of their claims, a statement of their accounts and the nature of the security, if any, held by them; or, in default thereof, they will be peremptorily excluded from the benefit of the said judgment and direction, and from all share in the assets of the estate; and the said creditors and claimants, if so required by notice in writing from the said Receiver, are to come in and prove their debts and claims and produce their securities, if any, before me at my chambers at , on the day of , 18 , at o'clock in the noon, being the time appointed for hearing and adjudicating upon debts and claims; or, in default thereof, they will be excluded from the benefit of any distribution of assets.

The status and rights of persons interested under unmatured policies of the corporation shall, in the absence of contestation and without any claim made, be determined by the books and records of the corporation, or of its officers; a schedule showing the said status and rights may be seen in the office of the Receiver at the above address.

Notices and letters respecting the estate or any alleged right or interest therein, are to be addressed to the Receiver as above, and all letters requiring answer are to inclose a stamped and addressed envelope for reply.

Dated this day of , 18 .

Master.

CHAPTER 35.

An Act to amend The Railway Act of Ontario.

[Assented to 16th April, 1895.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c.
170, s. 20,
sub-s. 30
amended.

Expropriation
with consent
of municipi-
pality in
certain cases.

1. Section 20 of *The Railway Act of Ontario*, is hereby amended by adding thereto as sub-section 30 the following :

(30) In case the council of a municipality shall by by-law declare that it is desirable and expedient that an elevator or manufacturing company, incorporated with power to construct a siding or switch from any railway to the premises of such company, should have powers of expropriation for the purpose of assisting such company, to secure, within the limits of the municipality, the necessary right of way for that purpose as set forth in the by-law, and if the judge of the county court of the county, certifies that in his opinion the building of the proposed siding or switch across the lands as set forth in the by-law will be of considerable public advantage or convenience, the company, upon the registration by the council of the by-law and certificate in the proper registry office, shall, in respect of the said lands, possess the powers conferred upon railway companies under sections 11 to 20 inclusive of this Act. Provided however that no such by-law shall be passed by the council of any municipality until all owners of lands across which the proposed siding or switch is to run shall have had at least one week's previous notice in writing of the time when such by-law shall be considered by the said council.

Proviso.

CHAPTER 36.

An Act respecting Aid to certain Railways.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. There shall be granted out of the consolidated revenue Aid granted fund for the construction of the portions of railways and other works hereinafter mentioned, the sums following, that is to say :

- (1) To the Ottawa, Arnprior and Parry Sound Railway from a point seventy miles westerly from Barry's Bay (at the end of the portion of the railway to which aid was granted in 1894) to the crossing of the Northern and Pacific Junction Railway near Scotia, or for a distance not exceeding thirty-seven miles, a cash subsidy of \$3,000 per mile. To Ottawa, Arnprior and Parry Sound Railway,
- (2) To the Tilsonburg, Lake Erie and Pacific Railway, formerly the Brantford, Norfolk and Port Burwell Railway, from Tilsonburg to Port Burwell, a distance of sixteen miles, a cash subsidy of \$2,000 per mile. Tilsonburg, Lake Erie and Pacific Railway,
- (3) To the Penetanguishene and Midland Electric Street Railway Light and Power Company (Limited) to connect Penetanguishene with the Ontario Reformatory for Boys, a cash subsidy of \$4,500. Penetanguishene and Midland Electric Street Railway, Light and Power Company (Ltd.),
- (4) To the Ontario and Rainy River Railway Company from the westerly end of the thirty-five miles of the said line to which aid has heretofore been granted, near Moss township, northwesterly a further distance not exceeding forty-five miles to a point at or near the Atakokan iron range towards Seine bay on Rainy lake, a cash subsidy of \$3,000 per mile. Ontario and Rainy River Railway Company,

Interprovin-
cial Railway
and bridge
near Nepean
Point.

- (5) Towards the building of an interprovincial railway and passenger and traffic bridge across the Ottawa river at or near Nepean Point for the common and equal benefit of all Her Majesty's subjects, a sum of \$50,000; provided that a sum of \$600,000 or more be expended in the construction of the said bridge; and provided further that the Province of Quebec contribute in like manner as this Province at least \$50,000, and the Dominion at least \$100,000; and provided further that the bridge be built on plans approved of by the Lieutenant-Governor in Council; and the said grant by this Province shall be subject to any further conditions that the Lieutenant-Governor of this Province may appoint or approve and shall be paid on completion of the bridge.

Application
of 52 V. c.
35, s. 2.

2. All the provisions of section 2 of chapter 35 of the Act passed in the 52nd year of Her Majesty's reign, respecting the option of substituting half-yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3 of the said Act shall apply to the grants hereby made, and so far as the same may be applicable the said sections shall apply to the bridge in the preceding sub-sections mentioned and to the grant in aid thereof.

Conditions on
which grants
are made.

3. The subsidies hereby granted shall be subject to the following conditions:

Stations.

- (1) Each of the said companies shall furnish such information as to the location and plans of passenger and freight stations on the line of its railway as may from time to time be required by the Commissioner of Public Works, and in every case payment of the said subsidies shall be subject to compliance with such directions as may be given by the Commissioner of Public Works from time to time for the erection of stations and the number of and intervals at which stoppages shall be made at such stations for the accommodation of the public.

Compliance
with regula-
tions for pro-
tection of
timber.

- (2) Every company to which aid is granted by this Act, shall comply with such regulations as may from time to time be made by the Lieutenant-Governor in Council for the protection from fire of the woods and forests adjoining the line of the railway.

Grants not
earned in five
years.

4. So much of the subsidies granted to each of the said railways as is not earned within five years from the time of the passing of this Act, shall lapse and revert to the consolidated revenue fund of the Province.

5. For the purpose of forming a subsidy fund there is hereby set apart so much of the lands of this Province ^{Land subsidy fund.} belonging to the Crown as lie within the distance of ten miles on each side of those portions of the Ottawa, Arnprior and Parry Sound Railway and the Ontario and Rainy River Railway to which aid is hereby granted, which land shall be sold and dealt with in the same manner as provided in sections 4 to ten inclusive, of the said chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign.

CHAPTER 37.

An Act respecting Railway Lands.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS under the provisions of the Acts respecting aid to certain railways certain tracts of land ten miles in width on each side of the lines of railways to which aid was granted or on each side of the lines of the said railways as the same might be finally located and established, were set apart for the purpose of being sold and the proceeds applied to form a fund to recoup the Province in respect of moneys expended in aiding railways; and whereas by reason of delay in the construction of certain of the railways to which aid was to be granted as aforesaid some of the lands so set apart are unsaleable at the price fixed by the said Acts and settlement of the said lands has been thereby retarded;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Lieutenant-Governor authorized to dispose of lands set apart to form subsidy fund.

1. Upon its appearing to the satisfaction of the Lieutenant-Governor in Council that the construction of any of the said railways has not been proceeded with and is not likely to be proceeded with within a reasonable time, or that such lands cannot be sold for the price fixed by the statute in that behalf, the Lieutenant-Governor in Council may withdraw all or any of the lands so set apart from the operation of the said Acts and restore the same to the free grant territory or open them for sale under settlement regulations at such prices and upon such terms as may be deemed expedient, or in proper cases deal with the same as mining lands.

CHAPTER 38.

An Act respecting Electric Railways.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as *The Electric Railway Act*, Short title. 1895.

INTERPRETATION.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

(1) "The special Act" shall be construed to mean any Act authorizing the construction of an electric or other railway, and with which this Act wholly or in part is incorporated by the provisions of this Act or by the express terms of such special Act.

(2) "Prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same is prescribed or provided for in the special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used;

(3) "The Lands" shall mean the lands which by the special Act are authorized to be taken or used for the purpose thereof;

(4) "The undertaking" shall mean the railway and works, of whatever description, by the special Act authorized to be executed.

3. Where the following words occur, both in this and the special Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

(1) "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure;

(2) "Lease" shall include any agreement for a lease;

(3) "Toll" shall include any rate or charge or other payment payable under this Act or the special Act, for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the railway;

(4)

- “Goods.” (4) “Goods” shall include things of every kind conveyed upon the railway, or upon steam or other vessels connected therewith.
- “County.” (5) “County” shall include any union of counties, county or riding; “district and county court judge” shall include a judge of a district court;
- “Highways.” (6) “Highways” shall mean all public roads, streets, lanes and other public ways and communications;
- “Sheriff.” (7) “Sheriff” shall include under sheriff, or other legally competent deputy; and where any matter in relation to any lands is required to be done by any sheriff or clerk of the peace, the expression “the sheriff,” or the expression “clerk of the peace,” shall in such case be construed to mean the sheriff or clerk of the peace of the district, county, riding, division or place where such lands are situate; and if the lands in question, being the property of one and the same party, are situate not wholly in one district, county, riding, division, or place, the same expression shall be construed to mean the sheriff or clerk of the peace of any such district, county, riding, division or place where any part of such lands are situate;
- “Clerk of the peace.”
- “Justice.” (8) “Justice” shall mean justice of the peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one district, county, riding, division, city or place, the word “justice” shall mean a justice acting for the district, county, riding, division, city or place where any part of such lands are situate, and who is not interested in such matter;
- “Owner.” (9) “Owner,” (where, under the provisions of this Act or the special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner) shall be understood to mean any corporation or person who, under the provisions of this Act, or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company;
- “The company.” (10) “The company” shall mean the company or party authorized by the special Act to construct the railway;
- “The railway.” (11) “The railway” shall mean the railway and works by the special Act authorized to be constructed;
- “Shareholder.” (12) “Shareholder” shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder.
- “Working expenses.” (13) The expression “working expenses” shall mean and comprise all expenses of maintenance of the railway, and of the buildings, works and conveniences belonging thereto, and of the

rolling

rolling and other stock and movable plant used in the working thereof, and all reasonable and necessary renewals of the same, and also all reasonable rents for property, or for hire of power or rolling stock, also all usual expenses of or incidental to the working the railway and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accident or losses, also all proper salaries and wages and office and management expenses, directors' fees and legal and other like expenses. Also all moneys owing by the company for any of the above items of expenses. Also interest on mortgages or debenture indebtedness, also a sum not exceeding five per cent. per annum of the total mortgage or debenture indebtedness of the company to be placed to the credit of a special account as a sinking fund for the purpose of extinguishing such indebtedness.

(14) The "first issue of stock" shall mean all stock subscribed for and allotted prior to the first meeting of shareholders of the company for organization and election of directors, and upon which at least ten per cent. has been paid in.

"First issue of stock."

APPLICATION OF ACT.

4.—(1) This Act shall apply, unless otherwise expressed in the special Act, to every electric railway subject to the legislative authority of this Province, authorized to be constructed by any special Act passed at the present session of the Legislature, or passed after this Act takes effect, and shall also apply to every railway to which this Act is expressly made applicable by any special Act, and this Act shall be incorporated with every such special Act; and all the clauses and provisions of this Act, except in so far as they are expressly varied or excepted by such special Act, shall apply to the undertaking authorized thereby, so far as applicable to the undertaking, and shall as well as the clauses and provisions of every other Act expressly incorporated with such special Act, form part of such special Act and be construed together therewith as forming one Act.

Application of Act to electric railways hereafter incorporated.

(2) Notwithstanding anything contained in *The Street Railway Act* or in any other Act of the Legislature of Ontario, the railway of every company incorporated at the present session of the Legislature, or hereafter incorporated for the purpose of constructing and operating a railway to be operated by electricity, shall be so constructed and operated under the provisions of this Act, and all the provisions of this Act shall apply to every such company and to the railway or railways constructed by it.

Electric railways incorporated at present session of Legislature.

(3) The railway of every company incorporated at the present session of the Legislature or hereafter incorporated for the purpose of constructing and operating a railway with power to operate the same by steam or electricity, or partly by steam and partly by electricity, shall be so constructed and operated

Railway which may be operated by steam or electricity.

operated under the provisions of this Act, and all the provisions of this Act shall apply to every such company and to the railway or railways to be constructed by it.

(4) Whenever any railway company shall be by any special Act passed at the present session of the Legislature, or hereafter passed, authorized to extend its railway and to operate such extension by electricity, the provisions of this Act shall, so far as the same are applicable, apply and extend to the construction and operation of every such extension.

Rev. Stat. c.
171.

(5) Any company hereafter incorporated under the provisions of *The Street Railway Act* which extends its line of railway beyond a distance of one and a half miles from any city or town from which the same runs shall come within the provisions of this Act, provided the railway is intended to be operated by electricity.

Proviso.

(6) Provided, that this Act shall not apply to or include an electric railway wholly constructed and operated within the limits of any city or town nor to any extension of such railway beyond such limits for a distance not exceeding one and one-half miles.

Rev. Stat.
cc. 170, 171
not to apply
unless named
in special Act.

(7) No part of *The Railway Act of Ontario*, or the *Street Railway Act* shall apply to any electric railway company or other railway company, to which this Act shall wholly or in part apply, except in so far as they are expressly made applicable by the special Act.

What shall be
sufficient to
incorporate
this Act with
special Acts.

5. The special Act shall be a public Act, and for the purpose of expressly incorporating this Act or any of its provisions with a special Act, it shall be sufficient in such Act to enact, that the clauses of this Act, with respect to the matter so proposed to be incorporated, referring to the same in the word or words at the head of and introductory to the enactment with respect to such matter, shall be incorporated with the special Act, and thereupon all the clauses and provisions of this Act, with respect to the matter so incorporated, shall, save in so far as they are expressly varied or excepted by the special Act, form part thereof, and the special Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which the special Act relates.

Power to con-
struct railway,
etc., to be ex-
ercised subject
to provisions
of this Act.

6. The power given by the special Act to construct the railway, and to take and use lands for that purpose, shall be exercised subject to the provisions and restrictions contained in this Act.

Compensation
to be made for
lands damag-
ed.

7.—(1) For the value of lands taken, and for all damages to lands injuriously affected by the construction of the railway, in the exercise of the powers by this or the special Act, or any Act incorporated therewith, vested in the company, compensation shall be made to the owners and occupiers of,
and

and to all other persons interested in any lands so taken or injuriously affected.

(2) Unless otherwise specially provided by this Act or the special Act, the amount of such compensation shall be ascertained and determined in the manner provided by this Act. How compensation to be determined.

INCORPORATION.

8. Every company established under a special Act shall be a body corporate under the name declared in the special Act, and shall be invested with all such powers, privileges and immunities as are necessary to carry into effect the intentions and objects of this Act and of the special Act therefor, and are incident to such corporation, or are expressed or included in *The Interpretation Act*. Companies established under special Acts, declared to be bodies corporate, etc. Rev. Stat. c. 1, s. 8 (25).

POWERS.

9. The company shall have power and authority—

Powers :

(1) To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only. To receive grants of land etc. ;

(2) To purchase and hold and, when authorized in the manner hereinafter mentioned in this Act, to take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same. Purchase land ;

(3) To survey, lay out, construct, make, complete, alter and keep in repair an iron or steel railway to be operated by electricity or by any other motive power authorized by the special Act, with double or single iron or steel tracks, and the said railway or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways ; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, and in *The Consolidated Municipal Act* 55 V. c. 42. 1892, and any Act or Acts amending the same. Construct railways.

(4) The gauge of the said railway shall be four feet eight and one-half inches. Gauge

Warehouses,
docks, etc.

(5) To purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Erect neces-
sary buildings,
wharves, etc.

(6) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway.

Powers as to
production
and use of
electricity.

(7) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company.

Lease or sell
electricity not
required for
railway.

(8) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under the *Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section.

Rev. Stat.,
c. 165.

Acquiring
rights for con-
veying elec-
tricity.

(9) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway by the special Act authorized to be built, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, or

as

as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger or injuriously affect the same or injuriously to interrupt the navigation of such waters. The rights conferred upon the company shall not be exercised within the limits of the Queen Victoria Niagara Falls Park or any land vested in the commissioners thereof without the consent of the commissioners and the approval of the Lieutenant-Governor in Council.

(10) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway, in pursuance of and according to the meaning and intent of this Act, and of the special Act. All other matters and things necessary for railway.

(11) To take, transport, carry and convey persons and goods on the railway, and to regulate the time and manner in which the same shall be transported. Convey persons and goods on railway.

(12) To purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and to improve and lay out such lands as parks or places of public resort, and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; Power to acquire lands for parks, etc.

Provided that none of the foregoing provisions of this sub-section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the company are situate, shall by by-law have declared its or their assent to the company acquiring lands under and for the purpose mentioned in this sub-section; Proviso.

Provided that such park or pleasure grounds shall not be open to the public on the Lord's Day to be used for games, picnics, concerts, excursions or other public entertainments; Proviso.

Provided that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; Proviso.

Provided that nothing in this sub-section contained shall be deemed to enable the company to carry on the general business of a land company. Proviso.

10. Whenever the company in procuring sufficient lands, for stations or gravel pits, or for constructing, maintaining and using the railway, can purchase the whole of any Power to purchase whole lots.

lot or parcel of land at a more reasonable price, or to greater advantage than it can purchase the part actually required for the purposes of the railway, the company may purchase, hold, use and enjoy the whole of such lot or parcel, and also the right of way thereto, if the same be separated from its railway, and may sell and convey the same or any part thereof from time to time as it may deem expedient

Acquiring
material for
construction.

11.—(1) When stone, gravel, earth or sand is required for the construction or maintenance of the railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same is situated for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required.

Transmission
of plan and
application.

(2) The company may transmit such plan and description to the Commissioner of Public Works with an application, on behalf of the company, supported by affidavit, referring to such plan and stating that certain land shown thereon is necessary for such purposes, and that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights, and stating either that the company desires to acquire the fee simple in the said land from which said materials shall be taken or the right to take materials therefrom for the time mentioned therein and requesting the Commissioner of Public Works to authorize the taking thereof for such purposes under this Act.

Notice to
owner, etc.

(3) At least ten days' notice of such application shall be given to the owner or possessor of such property; and the correctness of the plan and the truth of the allegations in such application shall be certified by the president or one of the directors of the company, and by its engineer, and such plan and statement shall be made and transmitted to the Commissioner of Public Works in duplicate.

Certificate of
Minister
required.

(4) The Commissioner of Public Works shall inquire into the correctness of the plan and the truth of the allegations of such application, and, if he is satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest that the land shown on such plan or any less quantity or the right to take materials therefrom as the case may be, should be acquired by the company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the department.

(5) Upon the granting of such certificate, and by virtue thereof, the company may acquire without the consent of the owners, the land shown on the said plan or the right to take materials therefrom as the case may be, as required for such purposes; and the company and all persons who could not otherwise convey the same to the company, shall have, with respect to any such land or right all the powers granted in such case by this Act to companies and persons who could not otherwise convey the same, with respect to lands which may be taken without the consent of the owners thereof; and all the provisions of law at any time applicable to the compulsory taking of land by the company and its valuation and the compensation therefor shall apply and are hereby extended to the land or right mentioned in the said certificate of the Commissioner of Public Works.

Effect of certificate.

Powers of the company in such cases.

(6) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 10 of section 35 of this Act shall not apply.

Application of sub-s. 10 of s. 35 limited.

12.—(1) When the said gravel, earth, stone or sand in the preceding section mentioned shall be situate at a distance from the line of railway and the company cannot agree with the owners of the intervening lands for a siding or right of way from the railway to the said lands, then the company may obtain power to acquire compulsorily such siding or right of way upon taking like proceedings and upon similar terms to those mentioned in the preceding section of this Act.

Sidings to gravel pits.

(2) Such sidings and tracks shall not be used by the company or by others, nor shall the company suffer or permit the use of such sidings or tracks for transportation purposes or for any other purposes than the purpose of constructing and maintaining the said railway.

13. The directors of the company shall have power to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the electric motors, carriages, cars, rolling stock and other movable property of the other or others of them for the running of the cars or carriages of the company over the track of any other railway company with the consent of such company on such terms as to compensation and otherwise as may be agreed upon.

Agreements with other companies for leasing or hiring rolling stock.

Agreement
with electric
light com-
panies.

14. The company shall have power to enter into an agreement or agreements with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company or companies organized for the purpose of supplying or furnishing electric power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to construct, carry on and operate the railway.

Confirmation
of agreement
by shareholders.

15. The prices to be paid by the company under and by virtue of any such agreement as in the last two sections mentioned shall be reasonable in amount, but such agreement shall not be valid unless confirmed and approved by a resolution passed by the votes of shareholders in person or by proxy representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding at a general meeting of shareholders specially called for the purpose of considering such agreement.

Telegraph and
telephone
lines.

16. The company may also construct an electric telegraph line and a telephone line in connection with its railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, is hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

Proviso.

Contracts for
construction
and equip-
ment.

17. The company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way; provided that no such contract shall be of any force or validity till sanctioned by a resolution passed by the votes of shareholders (in person or by proxy) representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding at a general meeting of shareholders specially called for the purpose of considering the agreement or agreements.

18.—(1) In case the council of a municipality shall, by resolution, declare that the council is of opinion that a company incorporated with power to construct an electric railway in the municipality should have powers of expropriation for the purpose of building a part of its railway between two or more points, set forth in the resolution, and situated within the municipality, and if the judge of the county court of the county certifies that in his opinion the building of the proposed electric railway between the said points will be of considerable public advantage or convenience, the company, upon registering the resolution and certificate in the proper registry office, shall, in respect of lands lying between the points named and described in the said resolution and certificate, possess powers of expropriation to be exercised subject to the provisions of this Act.

Permission from municipal councils to expropriate lands.

Provided however that when the council refuses or neglects to pass such resolution, the Commissioner of Public Works, if the judge of the county court certifies as aforesaid, may by his order confer upon the company the powers of expropriation within the particular municipality. But the council shall be entitled to at least one week's notice of the hearing of the application by the Commissioner.

(2) Such powers shall be exercised within the time limited for the completion of the railway and within two years from the passing of the resolution, and not afterwards.

(3) The provisions of this section shall not apply to the tract of country extending three miles above and three miles below the Falls of Niagara and for a width inland of one mile from any part or point of the said River Niagara.

(4) Except as provided by sections 11 and 12 of this Act the company shall possess no power of expropriation except under and in pursuance of the provisions of this section, and any such power when obtained by it hereunder shall be exercised in the manner and subject to the conditions, restrictions, limitations and provisions contained in this section or in the other sections of this Act.

19. The by-laws mentioned in section³ 9, sub-sections 3 and 9, and the resolution mentioned in section 18, are subject to the conditions and provisions of section 546 of *The Consolidated Municipal Act 1892*.

Application of 55 V. c. 42, s. 546.

BORROWING POWERS.

20. The directors of the company, under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the

Power to issue bonds, debentures, and other securities and to raise money thereon.

company,

company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the special Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors may think proper; but the whole amount of the issue of such bonds, debentures or other securities shall not exceed \$10,000 for each mile of the railway.

(a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking, or they may pledge the said bonds, debentures or other securities for the purpose of procuring the rails, fish plates and electric plant necessary for the undertaking.

(b) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(c) The power of issuing bonds conferred upon the company hereby or under the special Act shall not be construed as being exhausted by such issue; but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled; but no bonds or debentures shall be issued until twenty per centum of the authorized capital has been actually expended on the work.

(d) Such bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed.

Mortgages
securing
bonds, etc.

21. The company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act, and next to the payment of the working expenses of the railway as in this Act defined other than the sinking fund and the interest on mortgage or debenture indebtedness.

(a)

- (a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.
- (b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*.

22. The bonds, debentures or other securities hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof at any time acquired, save and except as provided for in the next preceding section:

Bonds, etc.,
now ranked.

- (a) Each holder of the said bonds, debentures or other securities shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed.

23. If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized at the time when the same by the terms of the bond, debenture or other security becomes due and payable, then at the next annual general meeting of the company and at all subsequent meetings all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

Rights of
holders of
bonds, etc.,
upon default
in payment.

- (a) The rights given by this section shall not be exercised by any such holder unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his
name

name in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfer of shares.

- (b) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

Bonds, etc.,
mode of trans-
fer of.

24. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery until registration thereof as hereinafter provided, and while so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares.

Registration
of instruments
elsewhere
than in office
of Provincial
Secretary not
required.

25. It shall not be necessary in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or to be created by any bond, debenture or other security issued or mortgage deed executed under the authority of this Act that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid.

Negotiable
instruments.

26. The company may become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the company or other officer authorized by the by-laws of the company shall be binding on the company; and every such promissory note or bill of exchange so made, drawn, accepted or endorsed shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary or other officer so authorized be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without proper authority; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

PLANS AND SURVEYS.

27. When the company has power and desires to expropriate lands, plans and surveys shall be made and corrected as follows:—

Provision respecting surveys and levels.

1. Surveys shall be taken and made of the lands intended to be expropriated through which the railway is to pass, together with a map or plan of the said lands and of its course and direction through the same, and also a statement showing:—

Book of reference.

(a) A general description of the said lands;

(b) The names of the owners and occupiers thereof, so far as they can be ascertained; and

(c) Everything necessary for the right understanding of such map or plan.

2. The map or plan and statement shall be examined and certified by the Commissioner of Crown Lands or his deputies, who shall deposit copies thereof in the offices of the clerks of the peace in the districts or counties in which the said lands are situate, and also in the office of the Provincial Secretary, and shall also deliver one copy thereof to the said company;

By whom certified.

3. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Provincial Secretary, or to the clerks of the peace, at the rate of ten cents for every hundred words so extracted or copied.

Copies.

4. The triplicates of such map or plan and statement so certified, or a true copy thereof certified by the Provincial Secretary, or by the clerks of the peace, shall be good evidence in any court of law and elsewhere.

Evidence.

5. Any omission, misstatement or erroneous description of such lands or of the owners or occupiers thereof, in a map or plan or statement, may, after giving ten days' notice to the owners of such lands, be corrected by two justices on application made to them for that purpose, and if it appears to them that such omission, misstatement or erroneous description arose from mistake, the justices shall certify the same accordingly.

Omissions how remedied.

6. The certificate shall state the particulars of such omission, and the manner thereof, and shall be deposited with the clerks of the peace of the districts or counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon, such map or plan or statement shall be deemed to be corrected according to such certificate; and the company may make the railway in accordance with the certificate.

Contents of certificate.

Railway not to be proceeded with until map, etc., deposited.

7. Until such original or corrected map or plan and statement have been so deposited, the execution of the part of the railway, affected thereby, shall not be proceeded with.

Clerks of the peace to receive copies of original plan, etc.

8. The clerks of the peace shall receive and retain the copies of the original and corrected plans and surveys, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under penalty for default of four dollars.

Copies certified by clerk to be good evidence in courts.

9. The copies of the maps, plans and statement, or of any alteration or correction thereof, or extracts therefrom, certified by the clerk of the peace, shall be received in all courts of justice or elsewhere as good evidence of the contents thereof, and the clerk of the peace shall give such certificate to all parties interested when required.

LANDS AND THEIR VALUATION.

Extent of lands to be taken without consent of proprietor.

28. The lands which may be taken without the consent of the proprietor thereof shall not exceed one chain in breadth.

Corporation, etc., may convey lands.

29.—(1) All corporations and persons whatsoever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seised, possessed of or interested in any lands, may contract for, sell and convey unto the company all or any part thereof.

Limitation of powers in certain cases.

(2) But the powers by the preceding sub-section conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, executors appointed by wills in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their death seised of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any railway company.

Effect of sale under preceding section.

30. Any contract, agreement, sale, conveyance and assurance made under the preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the corporation or person so conveying, is hereby indemnified for what he or it respectively does by virtue of or in pursuance of this Act.

31. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into court for his benefit, as hereinafter provided. Disposition of purchase money.

32. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and statement, and before the setting out and ascertaining of the lands required for the railway, shall, if duly registered in the proper registry office, be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, after such registration, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award. Effect of contracts made before deposit of map.

33. Wherever more persons than one are proprietors of any land as joint tenants or tenants in common, any contract or agreement made in good faith with any person being proprietor or with any persons being together proprietors of one-third or more of such lands, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be. As to tenants in common, etc.

34.—(1) After one month from the deposit of the map or plan and statement, and from notice thereof in at least one newspaper, if there is any, published in the districts and counties in which the lands intended to be expropriated lie, application may be made to the owners of such lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the exercise of any of the powers granted for the railway, and thereupon, agreements and contracts may be made with such parties touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then if the company possesses powers of expropriation in respect of the particular lands required all questions which arise between the company and the owners of such lands shall be settled as in the next section mentioned. After one month's notice of deposit of map, etc., application to the owner of lands.

Deposit, etc.,
to be general
notice.

(2) The deposit of a map or plan and statement, and the notice of such deposit, shall be deemed a general notice to all such parties as aforesaid of the lands which will be required to be expropriated for the said railway and works.

Notice to op-
posite party.

35. If the company possesses powers to expropriate the lands in question then the following proceedings shall thereupon be taken in order to expropriate the same. A notice shall be served upon the party which shall contain :

(a) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them).

(b) A declaration of readiness to pay some certain sum as compensation for such lands or for such damages ; and

(c) The name of a person to be appointed as the arbitrator of the company, if their offer be not accepted ; and such notice shall be accompanied by the certificate of a sworn surveyor for Ontario, disinterested in the matter, and not being the arbitrator named in the notice :—

(1) That the land, if the notice relates to the taking of land, shown on the said map or plan, is required for the railway.

(2) That he knows the land, or the amount of damage likely to arise from the exercise of the powers ; and

(3) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

If the party is
absent or un-
known.

(2) If the opposite party is absent from the district or county in which the lands lie, or is unknown, then, upon application to a judge of the county court, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that the opposite party is so absent, or that, after diligent inquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the said district or county.

Provision
when the
county judge
is interested in
lands required
for any rail-
way.

(3) Wherever any judge of a county court is interested in lands taken or required within the county in which he is such judge, by any company, for railway purposes, a judge of the High Court shall, on application of such company, exercise in such case all the powers given to a judge of a county court by the provisions of this section in cases in which such judge of a county court is not interested.

(4) If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party does not notify to the company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, then the judge shall, on the application of the company, appoint a sworn surveyor for Ontario, to be sole arbitrator for determining the compensation to be paid as aforesaid.

Party not accepting the company's offer, and not appointing an arbitrator.

(5) If the opposite party within the time aforesaid, notifies to the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator.

Appointment of arbitrator by opposite party.

Third arbitrator.

(6) If lands have been entered on and taken by the company with or without the license of the persons in possession thereof and without any agreement as to the compensation to be paid therefor or if the lands though not taken are injuriously affected by or through the construction of the railway, then any owner or person interested in such lands shall have power to commence proceedings to ascertain the compensation to which he is entitled in respect of the lands so taken or injuriously affected, by giving to the company notice in writing of the name of a person to be appointed as his arbitrator, the description of the lands taken or injuriously affected, and the amount of compensation or damages claimed by him, and thereupon like proceedings shall be taken to ascertain such compensation as is prescribed in cases where the company commences proceedings.

Party other than company commencing proceedings to determine compensation.

(7) The arbitrators, or any two of them, or the sole arbitrator, being sworn before some justice of the peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best; but no award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required.

Duties of arbitrators.

(8) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall award ten per centum of the amount so found in addition, and they shall in their award state what they find to be the value of the land as well as the total amount to be paid to compensate the owners or for damages.

Stating amount found payable in award.

Costs how
paid.

(9) If in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the Judge aforesaid.

Arbitrators to
consider in-
creased value
of remaining
lands.

(10) The arbitrators, in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of, or using the said lands or grounds as aforesaid.

Arbitrators
may examine
on oath.

(11) The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as appear before him or them, and may administer such oath or affirmation.

Parties to
arbitrations
under this Act
may obtain
subpoenas.

(12) Any party to an arbitration under this Act, may without leave or order, obtain and issue out of the High Court, upon *præcipe*, setting forth the names of the witnesses to be subpoenaed, the names of the arbitrators, and the place and time of meeting, a subpoena commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpoena; and the disobedience of such subpoena shall be deemed a contempt of court, and shall be punishable in the same manner and to the like extent as in the case of subpoenas issued out of such court in a civil case.

Disobedience
thereto to be
contempt of
court.

Fees and con-
duct money.

(13) The same fees shall be payable for such subpoenas as in the case of subpoenas issued out of the High Court in civil cases, and the witnesses shall be entitled to the like conduct money.

Depositions to
be in writing
and filed with
clerk of
records and
writs, with
exhibits, etc.

(14) The arbitrators shall take down the depositions of witnesses in writing, and after the making of their award, when requested in writing by any of the parties, shall forthwith deliver, or transmit, by registered letter, the said depositions, together with the exhibits referred to therein, and all other papers connected with the reference except the award, to the clerk of records and writs of the chancery division of the High Court, with appropriate stamps, to be filed by such clerk with the records of the court.

Time within
which award
must be made.

(15) The judge by whom any third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same is not

made

made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by the order of the judge (as it may be for reasonable cause shown, on the application of such sole arbitrator, or of one of the arbitrators, after one clear day's notice to the others), then the sum offered by the company as aforesaid shall be the compensation to be paid by them.

(16) If the arbitrator appointed by such judge, or if any arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the arbitrator appointed by the judge, upon the application of either party, such judge, being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or otherwise not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case.

Arbitrator dying, etc.

(17) Prior to the making of the award any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist. Provided, however, that the right of desisting shall not be exercised more than once.

Company may desist upon paying costs.

(18) The surveyor or other person offered or appointed as valuator or as arbitrator shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the judge.

Arbitrators not disqualified unless personally interested.

(19) No cause of disqualification shall be urged against an arbitrator appointed by the company, or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after one clear day's notice to the other, and if such cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator.

No objection admissible after a third arbitrator has been appointed.

How validity of objections to arbitrator determined.

Awards not avoided for want of form.

(20) No award made as aforesaid shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award.

Parties to arbitration may appeal to a judge of High Courts.

(21) Any party to such arbitration may, within one month after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a judge of the High Court and upon the hearing of such appeal such judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction.

Practice and proceedings upon appeal.

(22) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from a decision of the judge of the county court under *The County Courts Act*, subject to any General Rules or Orders (to be from time to time made by the judges of the High Court, in the same manner as they are authorized to make other General Rules and Orders respecting practice and procedure) altering and regulating such practice and proceedings.

Existing practice as to setting aside awards continued.

(23) The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards.

Possession may be taken on payment or tender, etc., of sum awarded.

(24) Upon payment or legal tender of the compensation so awarded or agreed upon as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the said company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to their so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he may deem most suitable, to put the said company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do.

When compensation to stand in the place of the land.

(25) The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party.

(26) If the company has reason to fear any claims or incumbrances, or if any party to whom the compensation or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may pay such compensation into the office of the accountant of the Supreme Court of Judicature, with the interest thereon for six months, and may deliver to the said accountant an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned.

As to incumbrances, etc., upon lands, etc., purchased or taken.

(27) A notice, in such form and for such time as the High Court appoints, shall be inserted in some newspaper published in the county in which the lands are situate, if there is any such newspaper, and in one newspaper published in the city of Toronto, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages and incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act, and the special Act, and to law, appertain.

What notice to be published.

(28) The costs of the proceedings, or any part thereof, shall be paid by the company, or by any other party as the court deems it equitable to order.

By whom costs be paid.

(29) If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company, and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay to the proper claimants the interest for such further period as may be right.

When interest to be returned to, or paid by the company.

HIGHWAYS, CROSSINGS AND BRIDGES.

36. Highways, crossings and bridges shall be regulated as provided in the following sections:

Regulation of highways, crossings and bridges.

37.—(1) The railway, its cars, carriages, engines, motors or machinery shall not be carried, operated or worked on, upon or along any street, highway or public place of any municipality unless

Use of highways by company.

unless first authorized by an agreement in respect thereof made between the company and such municipality, with the approval of a two-thirds vote of the members of the council of such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality, to be passed in pursuance thereof and subject also to the consent of any road company interested in any such street, highway or public place, and subject also in all municipalities except cities, towns and incorporated villages to the written consent first being obtained of the owners of one-half of the property fronting on such street or highway or public place where it is proposed to carry, operate or work such railway, and in all such cases, any and every work, matter or thing in connection with electricity, or other motive power, and the application and user thereof in so carrying, operating and working the said railways, or their cars, carriages, engines, motors or machinery as aforesaid, shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of any such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, nor to endanger the same.

Provided, however, that when the consent of the municipality has been obtained and an agreement has been entered into as aforesaid and the consent of at least one half of the owners of property fronting on such street, highway or public place cannot be obtained, the Commissioner of Public Works may dispense with such last mentioned consent if in his opinion it is in the public interest so to do. One week's notice of application to the Commissioner shall be given on the company's behalf to the persons who refuse such consent.

Crossing
steam rail-
ways.

38. Except in cities, towns, and incorporated villages the railway of any company operated by steam shall not be crossed or intersected at grade by the railways of the company.

Laying rails
flush with the
streets.

39. Unless the company and the council of the municipality otherwise agree, the rails of the railway shall be laid (as nearly as practicable) flush with the streets, public roads and highways, over, along or across which it passes and the railway track shall conform to the grades of the same, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the streets.

Use of track
by other
vehicles.

40.—(1) On all public streets, roads and highways along which the railway is authorized to pass all other ordinary vehicles may use and travel in the said tracks, provided they do not unduly interfere with or impede the running of the cars, or other conveyances of the company; and in all cases any carriage or other vehicle on the track shall immediately, by leaving the track, give place to the cars or other conveyances of the company.

(2) No part of the railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the railway may be carried across or above any highway within the limits aforesaid.

Railway not to rise more than one inch above level of highways when crossing the same.

(3) The company when operating any portion of its line across or along a highway by means of electricity conveyed by wires above ground shall cause to be strung and maintained guard wires sufficient to prevent telegraph, telephone or other wires now or hereafter strung across or along the highway, from coming into contact with or falling upon the said wires conveying such electricity.

Guard wires.

(4) The company when operating any portion of its line by means of electricity, shall use such means and appliances as may, as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things now or hereafter placed underground from being damaged in consequence of the escape or discharge of electricity into the ground. Proper bonding of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires shall be taken to be a compliance with the conditions of this sub-section.

Protecting water pipes, etc., from injury by electricity.

(5) Any person suffering damage by reason of the non-compliance by the company with the provisions of the two preceding sub-sections, shall have a right of action against the company therefor.

Right of action.

41. The ascent of all bridges erected to carry any highway over any railway, shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge.

Ascent of bridges.

FENCES.

42.—(1) On each side of all that portion of the railway which is not passing along or across a public highway fences shall be erected and maintained of the height and strength of an ordinary division fence, with openings or gates, or bars therein at farm crossings of the road, for the use of the proprietors of the lands adjoining the railway; and also cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the railway.

Fences to be erected on each side of railway.

(2) The said words "openings, gates or bars," shall be held to mean and shall in all cases imply sliding gates, commonly called hurdle gates, with proper fastenings.

Meaning of certain words.

(3) Until such fences and cattle guards are duly made, the company shall be liable for all damages which may be done by their motors, cars, carriages or trains to cattle, horses or other animals on that part of the railway hereby required to be fenced.

Liability of company until cattle guards erected.

TOLLS.

Tolls to be fixed by by-laws or other wise.

43. Subject to the provisions of this Act, tolls shall be from time to time fixed and regulated by the by-laws of the company, or by the directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the railway, or on its motors, cars or carriages and shall be paid to such persons and at such places near to or on the railway, and in such manner and under such regulations as provided by this Act or the said by-laws.

How payment of tolls enforced.

(2) In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any court of competent jurisdiction, or the agents or servants of the company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof.

When, if tolls not paid, goods distrained may be sold.

(3) If the tolls are not paid within six weeks, the company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of the detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto.

When goods distrained or detained may be sold.

(4) If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any party entitled thereto.

How balance to be disposed of.

(5) In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Provincial Treasurer to be applied to the general purposes of the Province, until claimed by the party entitled thereto.

Tolls—how raised, or reduced.

(6) Subject to the provisions of this Act, and subject particularly to the provisions of subsections 10 and 11 of this section, all or any of the tolls may, by by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls.

Amount of fares.

(7) The fares to be taken by the company for each passenger shall not exceed five cents for any distance not exceeding

ing three miles, and where the distance exceeds three miles then not exceeding two cents per mile or fraction thereof for the distance actually travelled. Children under ten years of age shall be carried for three miles for three cents and for any additional distance for half fare, but children in arms shall in all cases be carried free.

(8) The fare or toll shall be due and payable by every passenger on entering the car, or other conveyance, and any person refusing to pay the same when demanded by the conductor or motorman, and refusing to quit the car, or other conveyance upon being requested so to do, shall be liable to a fine of not more than \$10, besides costs; and the same shall be recoverable before any justice of the peace.

When fare to be due.

(9) The tolls and fares to be levied by the company as nearly as possible shall be so fixed and regulated, that after paying "working expenses" the balance of the annual receipts shall not exceed eight per cent. (or \$8 on every \$100) on the total capital stock of the company actually paid up in cash and then issued and outstanding; and if in any year the gross receipts from tolls and fares and from all other sources arising from the working, operating or carrying on of the railway and works and business authorized to be worked, operated or carried on by the company by this or the special Act, shall be such, that after deducting therefrom the "working expenses" there shall remain an amount exceeding eight per cent. of the total amount theretofore actually paid up in cash on the capital stock of the company then outstanding, then all such excess shall be placed to the credit of a special account to be called "the surplus tolls account;" provided that in no case shall the fares exceed the maximum rates prescribed by sub-section 7 of this section.

Limit as to application of receipts of company.

(10) The moneys at the credit of "the surplus tolls account" may be used from time to time in making good any deficiency if such there be, caused by the gross receipts of the company, in any subsequent year being insufficient to pay the "working expenses" and a dividend of eight per cent. (or \$8 on every \$100) on the total capital stock of the company actually paid up in cash and then issued and outstanding; provided that, whenever, and so often as the same shall happen, the total amount, to the credit of "the surplus tolls account," including any interest accruals thereon, shall equal one-fifth of the average annual gross receipts of the company computed from the actual receipts for the then preceding five years, the company shall by by-law make a sufficient proportionate reduction in the tolls and fares so that the probable net earnings thereafter shall be such as to make it necessary to resort to the moneys at the credit of "the surplus tolls account," in order to meet any such deficiency in whole or in part, but as soon as the amount at the credit of "the surplus tolls account" is exhausted the rates and tolls may be again raised.

Application of "surplus tolls account."

Charging
unearned
dividends
upon surplus
tolls account.

(11) Provided that if, during the ten years immediately succeeding the incorporation of the company, the gross receipts as aforesaid shall in any year be insufficient, after paying the working expenses of the railway, to pay a dividend of five per cent. on the total amount paid up on the stock of the company, the company may charge against the surplus tolls account an amount sufficient, after deducting any dividends earned during such year, to equal a dividend of five per cent. per annum on the total amount actually paid up on the stock of the company, and the company shall not be bound to reduce the tolls as hereinbefore provided until the amount at the credit of the surplus tolls account shall equal an amount sufficient, less any dividends earned during the year, to pay the said dividend of five per cent. in every such year during the said period of ten years in addition to one-fifth of the average annual gross receipts of the company computed as aforesaid.

Table of tolls
to be posted up
in offices and
cars.

(12) The directors shall, from time to time, print and post up, or cause to be printed and posted up, in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing.

Tolls to be ap-
proved of by
the Lieut.-
Governor.

(13) No tolls on goods shall be levied or taken until approved of by the Lieutenant-Governor in Council, nor until after two weekly publications in the *Ontario Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof.

The Lieut.-
Governor may
revise by-laws
fixing tolls.

(14) Every by-law fixing and regulating tolls on goods shall be subject to revision by the Lieutenant-Governor in Council from time to time, after approval thereof as aforesaid; and after an Order in Council reducing the tolls fixed and regulated by any by-law, has been twice published in the *Ontario Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked.

Payment of
back charges
on goods.

(15) The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on the payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

PROVISIONAL DIRECTORS AND THEIR POWERS.

Provisional
directors,
powers of.

44. The persons mentioned by name as such in the special Act are hereby constituted provisional directors, a majority of whom shall be a quorum, and the said provisional directors shall hold office

office as such until the first election of directors, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and shall deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, which moneys shall not be withdrawn, except for the purposes of the undertaking or upon the dissolution of the company, for any cause whatever. They may also fill vacancies in the board caused by death, resignation or other cause, but the provisional directors shall have no powers other than those given by this clause; or in terms conferred on provisional directors by the express words of this Act.

45. If more than the whole stock has been subscribed the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking.

Apportionment when more than whole amount of stock subscribed.

46. The provisional directors may in their discretion exclude any one from subscribing for stock or erase the names of any such subscribers who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act and of the special Act.

Excluding subscribers.

47. All meetings of the provisional board of directors shall be held at the place in the special Act mentioned, or at such other place as the provisional directors may determine.

Place of meeting of provisional directors.

CAPITAL

48. The capital stock of the company shall be stated in the special Act and shall be divided into shares of \$100 each and the money raised therefrom and all other moneys and property of the company shall be applied in the first place, to the payment of such reasonable fees, expenses and disbursements for procuring the passing of the special Act as the shareholders at the first general meeting of the company shall by resolution sanction and approve of, and for making the surveys, plans and estimates of the works authorized by the special Act; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of the undertaking. Provided that the directors may agree to pay a reasonable sum out of the funds of the company for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or in the purchase of the right of way, whether such promoters or other persons were provisional or are elected directors or not, and any agreement so made if reasonable, shall be binding on the company if and after the same shall

Capital stock.

Provido.

be

be confirmed and approved by a resolution passed by the votes of shareholders (in person or by proxy) representing two-thirds in value of the whole amount paid up on the total capital stock of the company at the passing of such resolution issued and outstanding at a general meeting of shareholders specially called for the purpose of considering such agreement.

Shares to be subject to be paid in cash.

49. Every share in the company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash.

Disposing of unissued or forfeited shares.

51. After the first issue of stock as hereinbefore defined, any unissued or forfeited shares in the capital stock of the company shall be issued and sold only after a day and time fixed for receiving tenders of price for same, of which public notice shall be given by at least four insertions in any newspaper published in or nearest to the municipality in which the head office of the company is situate, and in or nearest to each and every municipality through or in any part of which it is proposed to construct the railway. The shares shall be sold for cash to the highest tenderer at or above par. Provided that the directors, if authorized so to do by a vote of the shareholders representing two-thirds in value of the capital stock voting in person or by proxy, passed at a general meeting specially called for the purpose, may in their discretion exclude any one or more of such tenderers if in their judgment such exclusion would best promote the interests of the undertaking.

First meeting for election of directors.

52. So soon as twenty-five per cent. of the authorized capital stock has been subscribed, and ten per cent. of the authorized capital stock has been paid in cash into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company for the purpose of organization at the place where the head office is situate, at such time as they think proper, giving the notice prescribed by section 54 of this Act; at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect the number of directors prescribed by the special Act.

Annual meetings.

53.—(1) A general meeting of the shareholders for the election of directors and for the transaction of other business connected with or incident to the undertaking, to be called "the annual meeting," shall be held annually on the day mentioned in the special Act; and other general meetings, to be called "special meetings," may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene such special meeting, for twenty-one days thereafter fail to call such meeting.

Special meetings.

(2) All general meetings, whether annual or special, shall be held at the head office of the company. Where to be held.

54.—(1) At least two weeks' public notice of any meeting of the shareholders shall be given by advertisement published in the *Ontario Gazette*, and in at least one newspaper published in the place where the head office is situate—in which notice shall be specified the place and the day and the hour of meeting; all such notices shall be published weekly, and a copy of such *Gazette* containing such notice shall, on production thereof, be evidence of the sufficiency of such notice. Notice of meetings.
Evidence

(2) Any business connected with or incident to the undertaking may be transacted at an annual meeting, excepting such business as by this Act or the special Act is required to be transacted at a special meeting; but no special meeting shall enter upon any business not set forth in the notice upon which it is convened. What business may be transacted.

(3) The number of votes to which each shareholder shall be entitled on every occasion when the votes of the shareholders are to be given, shall be in proportion to the number of shares held by him, and on which all calls due have been paid. Votes on shares.

(4) Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say: Shareholders may vote by proxy.

I, _____, of _____, one of the shareholders of the _____, do hereby appoint _____ of _____, to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the undertaking of the said _____ that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he thinks proper. Form of proxy.

In witness whereof, I have hereunto set my hand and seal, the day of _____ in the year _____

(5) The votes by proxy shall be as valid as if the constituents had voted in person; and every matter or thing proposed or considered at any meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company. Votes by proxy valid.
Majority to govern.

PRESIDENT AND DIRECTORS.

55.—(1) A board of directors of the company to manage its affairs, the number of whom shall be stated in the special Act, and a majority of whom shall form a quorum, shall be chosen at the annual meeting; and if such election is not held on the day appointed therefor, the directors shall cause such election to be held at a special meeting duly called for that purpose within as short a time as possible after the day so appointed. Election of board of directors.

(2)

- Who entitled to vote. (2) On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held.
- Vacancies how to be filled up. (3) Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws.
- Who qualified to be a director. (4) No person shall be a director unless he is a shareholder, owning at least ten shares of stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen.
- Term of office of directors. (5) The directors appointed at the last election or those appointed in their stead, in case of vacancy, shall remain in office until the next ensuing election of directors.
- Vacancies how supplied. (6) In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the surviving directors; but if such appointment is not made, such death, absence or resignation shall not invalidate the acts of the remaining directors.
- President. (7) The directors shall, at their first or at some other meeting after the election elect one of their number to be the president of the company, who shall, always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president.
- Vice-President.
- Quorum. (8) The directors at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the directors.
- Acts of majority to bind the whole. (9) The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors.
- Casting vote. (10) No director shall have more than one vote at any meeting, except the chairman, who shall, in case of a division, of equal numbers, have the casting vote.
- Directors to be subject to shareholders and by-laws. (11) The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the special Act.
- Officers of company not to be directors. (12) Subject to section 48 of this Act, no person holding any office, place or employment in or being concerned or interested in any contracts under or with the company, shall be capable of being chosen a director, or of holding or continuing in the office

office of director or provisional director, nor shall any person being a director or provisional director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company; and in the event of any such contract being made by or on behalf of any director or provisional director or promoter, an action shall lie in any court of competent jurisdiction against such director or provisional director or promoter at the suit of any shareholder of the company or of any municipality through which any part of the railway passes, for the benefit of the funds of the company, for the whole amount of profit accruing to such director, provisional promoter or director from the contract so made or fulfilled.

(13) Subject to the provisions of this Act, the directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of this Province, and for the appointment of all officers, servants and artificers, and prescribing their respective duties and salaries. By-laws for management of stock, etc.

(14) The directors shall from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their offices, as the directors think proper. Unreasonably large salaries shall not be paid. May appoint officers.

(15) The directors may be paid such reasonable remuneration for their services for their year of office as may be sanctioned by the shareholders by resolution passed at the annual general meeting to be held for the purpose of electing the successors of such directors. Remuneration of directors.

(16) In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all debentures, and other instruments, and perform all acts which by the regulations and by-laws of the company or by the Acts incorporating the company are required to be signed, performed and done by the president. Vice-president to act in the absence of the president.

(17) The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of \$1, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise. Absence of president may be entered in the minutes, and certified, etc.

(18)

Directors to cause annual accounts to be kept.

(18) The directors shall cause to be kept, and annually, on the 31st day of December, shall cause to be made up and balanced, a true, exact and particular account of all moneys collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or of the directors, and shall file a certified copy of the same with the Provincial Secretary, together with a statement showing the amount of the capital stock issued and the amount actually received in cash for same, and the amount, if any, still unpaid thereon, and the amount of dividends paid or declared during such year, and the amount on the last day of such year at the credit of the surplus tolls account. This statement shall be filed on or before the last day of January in each year, and in default thereof the company shall, besides being compellable to file the same, be liable to a penalty of one hundred dollars to be enforced in the High Court of Justice at the suit of any municipality through which the railway passes, one-half of which said penalty shall belong to Her Majesty, and the other half to the said municipality.

CALLS.

Calls.

56.—(1) The directors may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall be made at any one time for more than ten per cent. of the amount subscribed by each shareholder or be made at a less interval than two months from the previous call.

Notice of meetings, how published.

(2) All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the *Ontario Gazette*, and the said *Gazette* shall, on production thereof, be conclusive evidence of the sufficiency of such notices.

Payment of calls how to be made.

(3) Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him in cash to the persons and at the times and places from time to time appointed by the company or the directors.

Interest to be chargeable on unpaid calls.

(4) If, before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the legal rate for the time being, from the day appointed for the payment thereof to the time of the actual payment.

Amount of call may be recovered by suit.

(5) If at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same, in any court of competent jurisdiction, and the same may be recovered, with lawful interest from the day on which the call became payable.

(6) In an action to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act.

What formalities necessary in actions for calls.

(7) The certificate of proprietorship of any share shall be admitted in all courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the share therein specified.

Certificate of proprietorship *prima facie* evidence.

(8) But the want of such certificate shall not prevent the holder of any share from disposing thereof.

Want of certificate not to prevent disposing of shares.

(9) Any person neglecting or refusing to pay a ratable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares in the undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the company for the benefit thereof.

Penalty for refusal to pay calls.

(10) No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture incurred.

Forfeiture of share to be taken advantage of only at a general meeting.

(11) Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking.

Effect of forfeiture as to liabilities.

(12) The directors may sell such forfeited shares as hereinbefore prescribed.

Directors may sell forfeited shares by auction.

(13) A certificate of the treasurer of the company that the forfeiture of the shares was declared, and of their purchase by the purchaser, shall be sufficient evidence of the facts, and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares, and the certificate shall be by the said treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the books required to be kept by the by-laws of the company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold.

Certificate of treasurer to be evidence of forfeiture and of title.

Interest may be allowed to shareholders paying money in advance on their shares.

(14) Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same; and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay interest at the legal rate of interest for the time being; but such interest shall not be paid out of the capital subscribed.

DIVIDENDS.

Declaration of dividend.

57.—(1) At the annual general meetings of the shareholders of the undertaking, from time to time holden, a dividend shall be made, out of the clear profits of the undertaking, unless such meetings declare otherwise.

Division of profits.

(2) Such dividends shall be divisible among the shareholders in proportion to the amounts paid up in cash upon the shares held by them respectively.

Dividends, how payable.

(3) Dividends shall be payable only in cash, and no division of profits in any one year, either by way of dividends or bonus, or both combined, or in any other way, exceeding eight per cent. or \$8 on every \$100 actually paid up in cash on the capital stock of the company, from time to time issued and outstanding, shall ever be made, declared or paid by the company.

Dividends not to impair the capital.

(4) No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call has been paid.

Application of annual revenue.

(5) No part of the annual revenue of the company shall be applied to expenditure on capital account or otherwise than as by this Act prescribed, and all moneys received in payment for shares or as proceeds of mortgages, bonds, debentures or other securities sold by the company shall be applied and expended for the purposes of the undertaking as in this Act prescribed and not otherwise.

SHARES AND THEIR TRANSFER.

Shareholders may dispose of shares.

58.—(1) Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered.

(2) Sales shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:—

I, A. B., in consideration of the sum of _____ paid to me by C. D., hereby do sell and transfer to him share (or shares) of the stock of the _____, to hold to him the said C. D., his heirs, executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution thereof. And I the said C. D. do hereby agree to accept the said _____ share (or shares) subject to the same rules, orders and conditions.

Witness our hands this _____ day of _____ in the year 18 _____

(3) The stock of the company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid. Shares to be personal estate —transfer of.

(4) If any share in the company is transmitted by the death, bankruptcy, or last will, donation or testament, or by the intestacy, of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share is so transmitted shall deposit in the office of the company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without which such party shall not be entitled to receive any share of the profits of the company, or to vote in respect of any such share as the holder thereof. Transmission of shares other than by transfer, provided for.

(5) The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the party in whose name any share stands in the books of the company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of the trusts, and the company shall not be bound to see to the application of the money paid upon such receipts. Company not bound to see to execution of trusts.

(6) The funds of the company shall not be employed in the purchase of any stock in their own or in any other company. Company not to take stock in other companies.

SHAREHOLDERS.

59.—(1) Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid Shareholders individually liable till shares paid up.

unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up in cash ; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder.

Account of names and residence of shareholders to be kept.

(2) A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the company and of the directors for the time being.

Rights of aliens.

60. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and, corporations excepted, shall also be eligible for office as directors in the said company.

MUNICIPALITIES TAKING STOCK.

Municipal corporations may take stock.

61.—(1) Municipal corporations in this Province may subscribe for any number of shares in the capital stock of, or lend any sum of money to the company, and may assess and levy from time to time upon the whole ratable property of the municipality a sufficient sum for them to discharge the debt so contracted, and for the like purpose may issue debentures payable at such times and for such sums respectively, not less than \$20, and bearing or not bearing interest, as such municipal corporation thinks meet.

Debentures issued by them to be binding.

(2) Any such debenture issued, endorsed or guaranteed, shall be valid and binding upon the municipal corporation, if signed or endorsed, and countersigned by the officer or person, and in such manner and form as directed by any by-law of the corporation, and the seal of the corporation thereto shall not be necessary, nor the observance of any other form with regard to the debentures than as directed in the by-law.

Not to subscribe for stock unless by-laws are made for that purpose.

(3) No municipal corporation shall subscribe for stock or incur any debt or liability under this Act or the special Act, unless and until a by-law to that effect has been duly assented to and passed in accordance with and subject to the provisions of section 634 of *The Consolidated Municipal Act of 1892*, or of the provisions of the Municipal Act from time to time in force regulating this matter ; but the proceedings shall be

commenced

commenced and carried on in accordance with the provisions of sections 65 to 70 inclusive of this Act.

(4) The mayor, warden or reeve, or other chief officer of such municipal corporation subscribing for and holding stock in the company to the amount of \$20,000, or upwards, shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as any of the directors of the company.

Mayor, etc.,
to be *ex officio*
a director in
certain cases.

AID TO THE RAILWAY.

62. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to rail-
way.

63. Any municipality through which the railways may pass or are situate is empowered to grant by way of gift to the company any lands other than public highways belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the traffic or running of the railways, and the railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Gifts of lands.

64. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railways or through any part of which or near which the railways or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with, and subject to the provisions relating to granting aid by way of bonuses to railways contained in *The Consolidated Municipal Act, 1892*, or other law in force at the time of the application to the council for such aid.

Aid from
municipali-
ties.

65. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

Submitting
bonus
by-law

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railways, and stating in what way and for what amount and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

55 V. c. 42. (2) In case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto.

55 V. c. 42. (3) In case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892*, and the amendments thereto as afore said.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law, what to contain.

66. Such by-law shall in each instance provide

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in the said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Petition against aid from county.

67. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of

a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

68. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality. "Minor municipality," meaning of.

69. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law. Deposit to be made before by-law submitted.

70. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. Council to pass by-law if assented to by ratepayers.

71. Unless otherwise provided in the by-law, the said council and the mayor, warden, reeve or other head or other officers thereof within one month after the passing of such by-law, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act. Issue of debentures.

72. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality. Levying rates on portion of municipality.

73. The provisions of *The Consolidated Municipal Act 1892* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of provisions of 55 V. c. 42.

Councils may extend time for commencement.

74. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend time for completion.

75. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

76. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

By-laws granting exemption from taxation.

77. It shall be lawful for the corporation of any municipality through any part of which the railways of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Issues of debentures.

78. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment

Proviso.

of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustee, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and new trustees appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

79. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The

Trusts of
proceeds of
debentures.

Electric Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in schedule B hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

80. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to
trustees.

BY-LAWS—NOTICES, ETC.

81.—(1) All by-laws, rules and orders regularly made, shall be put into writing and signed by the chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the company, shall be affixed openly in all and every passenger car, and in all and every place where tolls are to be gathered, and in like manner so often as any change or alteration is made in the same; and any copy of the same or of any of them, certified as correct by the president or secretary, shall be deemed authentic, and shall be received as evidence thereof in any court, without further proof.

By-laws to be
put into writ-
ing and signed
by chairman.

(2)

Copies of minutes to be *prima facie* evidence.

(2) Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any general or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute books kept by the secretary of the company, and by him certified to be true copies, extracted from such minute books, shall be *prima facie* evidence of such proceedings and resolutions in all courts of civil jurisdiction.

Notices by secretary valid.

(3) All notices given by the secretary of the company, by order of the directors, shall be deemed notices by the directors and company.

WORKING OF THE RAILWAY.

Best appliances for communication and for stopping trains to be used.

82.—(1) Every railway company, which runs cars, carriages, or other vehicles upon the railway for the conveyance of passengers, shall provide and cause to be used in and upon such cars, carriages or other vehicles adapted to the same such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the motormen of such cars, carriages or other vehicles while the same are in motion—and good and sufficient means of applying, at the will of the motorman or other person appointed to such duty, the brakes to the wheels of the motors, cars, carriages or other vehicles, and of disconnecting the motors, cars, carriages or other vehicles from each other—and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages—and shall alter such apparatus and arrangements or supply new apparatus and arrangements, from time to time, as the Commissioner of Public Works orders; and every railway company which fails to comply with any of the provisions of this section, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person.

Penalty for non-compliance.

Liability for damages.

Servants to wear badges.

(2) Every servant of the undertaking employed in a passenger car or train, or at a station for passengers, shall wear upon his hat or cap a badge which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, nor meddle or interfere with any passenger or his baggage or property.

Trains to start at regular hours.

(3) The cars, carriages or trains shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways,

railways, and at usual stopping places, established for receiving and discharging way-passengers and goods from the cars, carriages or trains.

(4) Such passengers and goods shall be taken, transported and discharged, at, from, and to such places, on the due payment of the toll, freight or fare legally authorized therefor.

Passengers and goods to be carried on payment of fare or freight.

(5) The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company, from which action the company shall not be relieved by any agreement, notice, condition or declaration if the damage arises from any negligence, omission or misconduct of the company or of its servants.

The company liable for neglect or refusal.

(6) Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the parcel.

Checks to be fixed on parcels.

(7) If such check is refused on demand, the company shall pay to such passenger the sum of \$8, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the conductor in charge of the car, carriage or train.

Penalty for refusing to give checks.

(8) Every car which contains a motor or which runs at the head of a train shall be furnished with a gong of at least ten inches in diameter.

Cars to have gongs.

(9) The gong on the first or only car forming a train shall be sounded at the distance at least of eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the car has crossed such highway, under a penalty of \$8 for every neglect thereof, to be paid by the company, who shall also be liable for all damages sustained by any person by reason of such neglect, one-half of which penalty and damages shall be chargeable to and collected by the company from the motorman having charge of such car and neglecting to sound the gong as aforesaid.

To be rung or sounded at every crossing, etc.

(10) Any passenger refusing to pay his fare, may, with his baggage, by the conductor of the train and the servants of the company, be put out of the cars at any usual stopping place, or near any dwelling-house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

Passenger refusing to pay fare may be put out.

(11) No person shall be entitled to carry or to require the company to carry upon their railway, *aqua fortis*, oil of vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of the company, are of a dangerous nature; and if any person sends by the railway such goods without, at the time of so sending the said goods, distinctly marking their

As to goods of a dangerous nature.

their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book keeper or other servant of the company with whom the same are left, he shall forfeit to the company the sum of \$20 for every such offence.

Dangerous
goods may be
refused.

(12) The company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact

Hours of
labor.

(13) No person shall be compelled to work in the service of the railway for a longer period than ten hours per day or than sixty hours per week or on more than six days per week.

Lien for wages

(14) Every mechanic, laborer, or other person who performs labor for wages upon the construction or maintenance of the railway or the works connected therewith, shall have upon the said railway and other property of the company a lien for such wages not exceeding the wages of thirty days or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by *The Mechanics' Lien Act* and the Acts amending the same.

RAILWAY CROSSINGS.

Crossing lines
of electric or
street rail-
ways.

83.—(1) The company may cross the lines of any electric railway company, or of any company to which this Act applies, or of any street railway company;

(a) Either by the authority of the Commissioner of Public Works, and upon such terms and conditions as the said commissioner shall think just and desirable;

(b) Or by the permission of the municipal council of the municipality or municipalities where the crossing is situate, conferred by a by-law passed for that purpose, and subject to the terms and conditions imposed by the said by-law;

Provided always that the company which seeks to cross shall pay all necessary costs and expenses incurred in altering the rails and otherwise making and completing the crossing.

Crossing lines
of railway
companies.

(2) In case the company desires to cross the line of a railway company within the legislative authority of this Province, not being a railway company to which the Act applies, nor a street railway company, and such railway company objects, the company shall first obtain the sanction of the Commissioner of Public Works as to the proposed crossing and as to the mode of construction thereof, which said sanction the said commissioner is hereby empowered to give, and thereupon the company shall have the right to cross the other railway upon the terms and in the mode sanctioned by the said commissioner; provided always that the said commissioner before giving his sanction as aforesaid shall give to the railway company objecting an opportunity to be heard, and shall have full power to impose such terms as to cost of maintenance of the said crossing, and as to all other matters in connection there-
with

with as he shall deem proper; provided, however, that the company desiring to cross shall always pay the whole of the costs and expenses of making the proposed crossing, which shall be so sanctioned as aforesaid.

ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES AND
THEIR PROSECUTION.

84.—(1) All suits for indemnity for any damage or injury sustained by reason of the railway, shall be instituted within twelve months next after the time of such supposed damage sustained, or if there be continuation of damage, then within twelve months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead the general issue and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the special Act. Limitation of actions for damages.

(2) All fines and forfeitures imposed by this Act or the special Act, or by any by-law, the levying and recovering of which are not particularly herein directed, shall, upon proof of the offence before any one or more justice or justices of the peace for the district, county or place where the act occurred, either by the confession of the party, or by the oath or affirmation of any one credible witness, to be administered without fee or reward, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such justice or justices. Fines how recovered.

(3) All fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the company, to be applied to the use thereof, and the overplus of the money so raised, after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold. How applicable.

(4) In case sufficient goods and chattels whereof to levy the penalty and expense are not found, the offender shall be sent to the common gaol for the county or district in which he has been convicted, there to remain without bail, for such term, not exceeding one month, as the justice or justices think proper, unless the penalty or forfeiture, and all expenses attending the same, are sooner paid and satisfied. When party may be committed.

85. No punishment for a contravention of this Act or of the special Act, by the company, shall exempt the company from the forfeiture of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention. Punishment for contravention of this Act, etc., not to exempt company from forfeiture.

GENERAL PROVISIONS.

86.—(1) Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other Provision as to the carriage of Her Majesty's mail, etc.

other stores for their use, and all policemen, constables and others travelling on Her Majesty's service, shall at all times, when thereunto required by Her Majesty's Postmaster General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions, and under such regulations as may be made by the Governor-General in Council or Lieutenant-Governor in Council, as the case requires.

Government to have exclusive use of telegraph.

(2) The Governor-General or Lieutenant-Governor as the case may be, or any person thereunto authorized by them, may require the company to place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service.

Further enactments may be made.

(3) Any further enactments which the Parliament of Canada or the Legislature of this Province may make for the carriage of the mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the special Act.

Tenders must be advertised for.

(4) No contracts for works of construction or maintenance of railways, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to the work required to be done; but no company shall be compelled to accept any such tender.

Ten per cent. to be paid within three years from passing of Special Act.

(5) If the construction of the railway is not commenced and ten per cent. on the amount of the capital is not expended thereon, within three years after the passing of the special Act, or if the railway is not finished and put in operation in five years from the passing of such special Act, the corporate existence and powers of the company as to any part of the railway then uncompleted shall cease.

Account to be transmitted to the Provincial Secretary.

(6) After the opening of the railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of the Legislature, an account shall be annually transmitted to the Provincial Secretary containing a detailed and particular account, attested upon oath of the president, or in his absence of the vice-president, of the moneys received and expended by the company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement.

Variation in form or details may be made.

(7) No further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the company.

(8) The Legislature may at any time annul or dissolve any corporation formed under this Act, but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any liability which had been previously incurred. And may dissolve any Corporation formed under this Act.

(9) Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned. Saving of Her Majesty's rights, etc.

(10) No amendment or alteration in this Act shall be held to be an infringement of the rights of any company authorized to construct a railway by any Act with which this Act is or may be incorporated. Amending or altering Act.

87.—(1) It shall not be lawful for any company to which this Act applies to operate its railway on the Lord's Day. Running railway on Lord's Day.

(2) Provided that any company operating a railway extending from any city for a distance of more than one and a half miles, may run such cars or trains into the city before the hour of ten o'clock in the forenoon and such cars or trains out of the city after the hour of five o'clock in the afternoon on the Lord's Day as may be necessary for the transportation of milk exclusively, but no freight of any other kind and no passengers shall be carried upon such car or train, nor shall it be lawful for the company to collect any fare or tolls for the transportation of any passengers, upon the Lord's Day nor for the transportation of any freight except for the transportation of milk as aforesaid. Provided that nothing in this section shall be construed to prevent the running of empty cars or trains either from the car sheds to any point on the line of railway for the purpose of receiving the milk for transportation as aforesaid or back to the car sheds after the delivery of the same. Transporting milk.

(3) For every train or car run or operated in violation of this section the company shall forfeit and pay the sum of \$400, to be recovered by action in any county court by any person suing for the same, and such action may be brought before a county court having jurisdiction in the place from which such train or car started, or through or at which it passed or stopped in the course of such unlawful employment. Penalty.

(4) All moneys recovered under the provisions of this section shall be appropriated as follows: One moiety thereof to the plaintiff, and the other moiety to the local municipality from which the train or car started. Application of penalties.

(5) The conductor or other person in charge of any train or car run or operated in violation of the provisions of this section shall be liable to the penalties prescribed by section 9 of the *Act to prevent the profanation of the Lord's Day*, and the said penalties shall be recoverable in the manner provided in the said section, and shall be applied as hereinbefore directed in the case of other penalties. Liability of conductor. Rev. Stat. c. 203.

Powers of
High Court as
to controlling
companies
relieving
against agree-
ment.

88. If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this Act, in the observance or enforcement of which any shareholder or the residents of the municipality are interested, then, in addition to all other remedies by law enforceable against the company, the council of any municipality through which any part of the railway passes may, in the name of the municipal corporation, bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of, and complying with such provisions; and the court shall have full power and jurisdiction in the premises, and to set aside or otherwise relieve against unreasonable agreements made in violation of all or any of the provisions of this Act, and to enforce, by injunction or otherwise, the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this Act, in the observance or enforcement of which any shareholder or the residents of the municipality are interested, and in particular those relating to tolls, to capital, to president and directors, to dividends, to returns, and to the agreements mentioned in sections 13, 14 and 15 of this Act.

Conveyances
of land to
company.

89. Conveyances of land to the said company, for the purposes of and powers given by this Act, made in the form set forth in the schedule A to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof.

INSPECTION OF RAILWAYS TO WHICH THIS ACT, IN WHOLE OR IN PART, APPLIES.

Railway In-
spectors.

Duties of.

90. The Lieutenant-Governor in Council may appoint and authorize any proper person or persons, not exceeding three in number, whose duty it shall be from time to time to inspect all railways constructed or in course of construction, under the authority of this Act, and every person so authorized may, at all reasonable times, upon producing his authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines, cars and carriages belonging thereto.

Railway not to
be open till
after one
month's notice
of intention to
open the same.

91. No railway or portion of any railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the company to whom the railway belongs to the Commissioner of Public Works, and until ten days after notice

notice in writing has been given by the company to the Commissioner, of the time when the railway or portion of railway will be, in the opinion of the company, sufficiently completed for the safe conveyance of passengers, and ready for inspection.

92. If any railway or portion of a railway be opened without such notices, the company to whom such railway belongs shall forfeit to Her Majesty the sum of \$200 for every day during which the same continues open, until the said notices have been duly given and have expired. Penalty for contravention.

93. If the Railway Inspectors after inspection of a railway, report in writing to the Commissioner of Public Works that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working the railway, together with the grounds of such opinion, the Commissioner, with the sanction of the Lieutenant-Governor in Council, and so from time to time, as often as the Inspectors after further inspection thereof so report, may order and direct the company to whom the railway belongs to postpone the opening for a period not exceeding one month at any one time, until it appears to the Commissioner, that such opening may take place without danger to the public. Commissioner of Public Works, upon report of Inspectors and approval of Lieutenant-Governor in Council, may order postponement of opening of road.

94. If any such railway, or any portion thereof, is opened contrary to such order or direction of the Commissioner, the company to whom the railway belongs shall forfeit to Her Majesty the sum of \$200 for every day during which the same continues open contrary to such order or direction. Penalty for opening contrary to the order of the Commissioner.

95. No such order shall be binding upon any railway company unless there is delivered therewith to the company a copy of the report of the Inspectors on which the order is founded. When only such order to be binding on the Company.

96. When any bridge, culvert, viaduct, tunnel, fence, road, crossing or cattle guard, or any other portion of a railway constructed or in course of construction, or a motor, car or carriage used or for use on a railway, has been condemned on the report of an Inspector by the Commissioner of Public Works, with the approval of the Lieutenant-Governor in Council, or when any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said railway, has been required by the Commissioner, with the approval of the Lieutenant-Governor in Council, the company to which such railway belongs, or the company using, running or controlling the same, shall, after notice thereof in writing, signed by the said Commissioner, proceed to make good or remedy the defects in the said portions of the railway, or in the motor, car When any railway bridge condemned by Commissioner and Inspectors, what to be done.

car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to as has been required in manner aforesaid by the Commissioner.

When Inspectors may forbid the running of trains, etc.

97. If, in the opinion of any such Railway Inspector, it is dangerous for trains or vehicles to pass over any particular railway, or any portion of a railway, until alterations, substitutions or repairs have been made thereon, or that any particular motor, car or carriage should be run or used, the said Inspector may forthwith forbid the running of any train or vehicle over any such railway or portion of railway, or the running or using of any such motor, car or carriage, by delivering or causing to be delivered to the president, managing director, or secretary or superintendent of the company owning, running, or using such railway, or to any officer having the management or control of the running of trains on the railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or nature of the danger to be apprehended.

Commissioner may modify report of Inspectors.

98. The said Inspector shall forthwith report the same to the Commissioner of Public Works, who, with the sanction of the Lieutenant-Governor in Council, may either confirm, modify or disallow the act or order of the Inspector, and such confirmation, modification or disallowance shall be duly notified to the railway company affected thereby.

When the Commissioner may regulate speed, etc.

99. The Commissioner of Public Works may, with the sanction of the Lieutenant-Governor in Council, limit the number, or times or rate of speed of running, of motors, cars or trains upon the railway or portion of railway, until such alterations or repairs as he may think sufficient have been made, or until such time as he thinks prudent; and the company owning, running or using the railway shall comply forthwith with any such order of the Inspector or of the Commissioner upon notice thereof as aforesaid; and for every act of non-compliance therewith every such railway company shall forfeit to Her Majesty the sum of \$2000.

Penalty for non-compliance.

Companies to afford information to the Inspectors.

100. Every railway company and the directors and officers thereof shall afford to such Inspector every information, and full and true explanations, so far as may be in their power or knowledge, on all matters inquired into by any such Inspector, and submit to such Inspector all plans, specifications, drawings and documents relating to the construction or reconstruction, repair or state of repair of the railway or any portion thereof, whether a bridge, culvert or other part.

Inspectors may use telegraph wires; for what purposes.

101. The Inspector shall have the right to use the telegraph or telephone wires and machinery in the offices of or under the control of any such railway company, for the purpose of communicating with any of the officers of the company, or transmitting any order of any such Inspector relating to the railway.

102. The operators or officers employed in the telegraph or telephone offices of or under the control of the company, shall, without unnecessary delay, obey all orders of such Inspector for effecting such communications and transmitting messages for the purpose aforesaid, and any operator or officer refusing or neglecting so to do, shall forfeit for every offence the sum of \$40.

Operators and others to obey orders of Inspectors.

103. The authority of any such Inspector shall be sufficiently evidenced by a paper in writing nominating him an Inspector of Railways, or of any railway in particular, signed by the Commissioner of Public Works.

Authority of Inspectors, how proved.

104. The Lieutenant-Governor in Council, upon the report of the Commissioner of Public Works, may authorize or require any railway company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or movable bridges on the line of such railway, within such time as the Lieutenant-Governor in Council directs; and for every day after the period so fixed during which the company uses such swing, draw or movable bridges, the company shall forfeit and pay to Her Majesty the sum of \$200; and it shall not be lawful for a railway company to substitute a swing, draw or other movable bridge in the place or stead of any fixed or permanent bridge already built and constructed, without the consent of the Lieutenant-Governor in Council previously had and obtained.

Lieutenant-Governor may order permanent bridges to be substituted for movable bridges.

105. In any case where a railway is constructed across a turnpike road, street or other public highway, on the level, the Commissioner of Public Works, if it appears to him necessary for the public safety, may, with the sanction of the Lieutenant-Governor in Council, authorize and require the company to whom the railway belongs, within such time as the Commissioner directs, to carry the road, street or highway either over or under the railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to him the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at such time applicable to the compulsory taking of land by railway companies, and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of land required for the construction of any works for effecting the alteration of such level crossing.

Certain powers vested in Commissioner, with respect to crossing public highways, on a level.

106.—(1) Where a level crossing on any railway is out of repair, the warden, mayor, reeve or other chief officer of the municipality within whose jurisdiction the crossing is situate, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, such officer may transmit a copy of the notice so served to the Inspector of

Railway may be required to repair any level crossing out of repair.

Railways;

Inspector's
certificate to
be conclusive.

Railways; and thereupon it shall be the duty of the Inspector, with all possible despatch, to appoint a day when he will examine into the matter; and he shall, by mail, give notice to the warden, mayor, reeve, or other chief officer, and to the company, of the day he so fixes; and upon the day so named he shall examine the crossing; and a certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Inspector determines that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirements of the certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the company in any court of competent jurisdiction, as money paid to the company's use.

Proviso.

(2) Neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises.

Inspection not
to relieve
company
from liability.

107. No inspection had under this Act, nor anything in this Act contained or done or ordered, or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve or be construed to relieve the company of or from any liability or responsibility resting upon it by law either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, or other personal representative of any person for anything done or omitted to be done by the company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance of the company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken, or diminish the liability or responsibility of such company under the existing laws of the Province.

Company to
notify orders
of Commis-
sioner to its
officers, etc.

108. The company shall, as soon as possible after the receipt of any order or notice of the Commissioner of Public Works, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in section 127 of this Act.

What to be
deemed suffi-
cient notice
thereof.

109. All orders of the said Commissioner shall be considered as made known to the company by a notice thereof signed by him, and delivered to the president, vice-president, managing director, secretary or superintendent of the said company, or at the office of the company.

Notice of
accidents to be
given to the
Commissioner
of Public
Works.

110. The company shall, as soon as possible, and at least within forty-eight hours after the occurrence upon the railway belonging to the company of any accident attended with serious personal injury to any person using the same, or

whereby

whereby a bridge, culvert, viaduct or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Commissioner of Public Works; and the company which wilfully omits to give such notice, shall forfeit to Her Majesty the sum of \$200 for every day during which the omission to give the same continues.

RETURNS.

111. Every company shall annually prepare returns in accordance with the forms contained in schedule C to this Act, of its capital, traffic and working expenses, and of all information required, as indicated in the said form, to be furnished to the Provincial Secretary; and such returns shall be dated and signed by, and attested upon the oath of the secretary, or some other chief officer of the company, and of the president, or in his absence; of the vice-president or manager of the company.

Annual returns to be prepared.

2. Such returns shall be made for the period included from the date to which the then last yearly returns made by the company extended, or from the commencement of the operation of the railway, if no such returns have been previously made, and, in either case, down to the last day of December in the then current year.

What period to be included.

3. A duplicate copy of such returns, dated, signed and attested in manner aforesaid shall be forwarded by such company to the Provincial Secretary within three months after the last day of December in each year.

Duplicate for the Minister.

4. The company shall also, in addition to the information required to be furnished to the Provincial Secretary, as indicated in the said schedule C, furnish such other information and returns as are, from time to time, required by the Provincial Secretary or as shall hereafter be ordered by the Legislature.

Further returns when required.

5. Every company which makes default in forwarding such returns in accordance with the provisions of this section, shall incur a penalty not exceeding twenty dollars for every day during which such default continues, to be enforced in the High Court of Justice at the suit of any municipality through which the railway passes, one-half of which said penalty shall belong to Her Majesty, and the other half to the said municipality.

Penalty for non compliance.

6. The Provincial Secretary shall lay before the Legislative Assembly, within twenty-one days from the commencement of each session thereof, the returns made and forwarded to him in pursuance of this section.

Returns to be submitted to Parliament.

Return of accidents to be made semi-annually.

112. The company shall, within ten days after the first days of January and July, in each and every year, make to the Commissioner of Public Works, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth—

1. The causes and natures of such accidents and casualties ;
2. The points at which they occurred, and whether by night or by day ;

3. The full extent thereof, and all particulars of the same ; and shall also at the same time return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of their railway.

Form to be appointed by the Commissioner.

113. The Commissioner of Public Works may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct the railway company to make up and deliver to him from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to the company, whether attended with personal injury or not, in such form and manner as the Commissioner deems necessary and requires for his information with a view to the public safety.

Penalty for neglect.

114. If the returns so verified are not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the Commissioner, every company making default shall forfeit to Her Majesty the sum of \$100 for every day during which the company neglects to deliver the same.

Such returns to be privileged communications.

115. All such returns relating to accidents made in pursuance of the provisions of this Act shall be privileged communications, and shall not be evidence in any Court whatsoever except to enforce the penalties for failure or neglect to furnish cash returns as required by the Act.

RAILWAY INSPECTION FUND.

Railway Inspection Fund.

116. The company shall, so soon as any portion of its railway thereof is in use, pay to the Treasurer of the Province an annual rate to be fixed by the Lieutenant-Governor in Council, not exceeding \$10 per mile of railway constructed and in use ;

use; such rate to be paid half-yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Electric Railway Inspection Fund."

APPOINTMENT OF RAILWAY CONSTABLES.

117.—(1) The Justices of the Peace for any county assembled at any General Sessions of the Peace, on the application of the board of directors of the company whose railway or any part thereof passes within the local jurisdiction of such Justices of the Peace, or on the application of any clerk or agent of the company thereto authorized by such board, may, in their discretion, appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say :

"I, A. B., having been appointed a Constable to act upon and along (here name the Railway), under the provisions of *The Electric Railway Act, 1895*, do swear that I will well and truly serve our Sovereign Lady the Queen, in the said office of Constable, without favour or affection, malice or ill-will, and that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law : So help me God."

(2) Such oath or declaration shall be administered by any one such Justice.

118. Every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to the company, whether the same be in the county, city, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such railway company, and in all places not more than one quarter of a mile distant from the railway; and shall have all the powers, protections and privileges for the apprehending of offenders, as well by night as by day and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, possessed by any constable duly appointed.

119. It shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence

Constables may be appointed to act on the line of any railway, and how.

Oath of office.

By whom to be administered.

Powers of such constables, and to what localities they shall extend.

Duties of such constables.

offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such railway, before any Justice or Justices appointed for any county, city, district or other local jurisdiction within which such railway passes; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction.

Dismissal of
any such con-
stable.

120. Any two Justices of the Peace may dismiss any such constable who may be acting within their several jurisdictions; and the board of directors of the railway company, or any clerk or agent of the company thereto authorized by the board, may dismiss any such constable who may be acting on the railway; and upon such dismissal, all powers, protections and privileges belonging to any such person, by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such railway without the consent of the authority by which he was dismissed.

Record of ap-
pointment of
such constable
to be kept.

121. Every such railway company shall cause to be recorded, in the office of the clerk of the peace for every county, or other local jurisdiction wherein such railway or railways pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof and the authority making the same within one week after the date of such appointment or dismissal, as the case may be; and every such clerk of the peace shall keep such record in a book in such form as the Lieutenant-Governor in Council directs, and open to public inspection, charging such fee or fees only as the Lieutenant-Governor in Council authorizes.

Fees.

Punishment of
constables
guilty of ne-
glect of duty.

122. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof within any county, city, district or other local jurisdiction wherein such railway passes, to a penalty of not more than \$80, the amount of which penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the railway company, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district or other local jurisdiction.

GENERAL PROVISIONS.

Companies to
make by-laws
for regulation
of conductors
and other
officers, etc.

123. The company shall make such by-laws, rules and regulations, to be observed by the conductors, motor men, and other officers and servants of the company, and by all other companies and persons using the railway of the company, and such regulations with regard to the construction of the
motor

motor cars, or carriages and other vehicles, to be used in the trains on the railway of the company, as are requisite for ensuring the perfect carrying into effect of the provisions of this part of the Act and the orders and regulations of the Lieutenant-Governor in Council.

124. The company may, by a by-law, impose upon any officer, servant, or person, who, before the contravention of such by-law has had notice thereof, and is employed by the company, a forfeiture to the company of not more than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain any such forfeiture out of the salary or wages of the offender.

Company may impose penalties for contravention of by-laws.

125. The notice of the by-law or of any order or notice of the Commissioner of Public Works may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed.

How notice of by-laws or orders may be proved.

126. Such proof, with evidence of the contravention, shall be a defence to the company in any action for the recovery from it of the amount so retained.

When such proof, etc., to be a defence for the Company.

127. No such company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their railway is carried.

Company not to impede navigation.

128. If the railway when not passing along the public highway is carried across a navigable river or canal, the company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge, as the Lieutenant-Governor in Council from time to time may determine.

Railways crossing rivers, etc., regulated.

129. It shall not be lawful for any such company to construct any wharf, bridge, pier or other work upon or over a navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Lieutenant-Governor in Council, and the same has been by him approved ; and no deviation from such approved site and plan shall be made without his consent.

Plans to be submitted to the Lieutenant-Governor in Council.

130. Nothing contained in the three last preceding sections, shall be construed to limit or affect any power expressly given to the company by its special Act of incorporation or any special Act amending the same.

Exception where special powers given by the Special Act.

131.

When a railway passes over a swing bridge, etc., train to stop for three minutes.

131. Where a railway passes a draw or swing bridge over a navigable river, canal or stream, which is subject to be opened for the purposes of navigation, the motor, car, carriage or train shall in every case be stopped at least three minutes, to ascertain from the bridge-tender that the bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes the said railway company shall be subject to a fine or penalty of four hundred dollars.

Further precautions when level crossings

132. The railway company shall station an officer at every point on their line crossed on a level by any other railway, and no motor, car or carriage shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear.

Further precautions when one railway crosses another on a level;

133. Every motor, car or carriage on the railway, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of one minute.

Or runs through a city, town, etc.

134. No motor, car or carriage shall pass in or through a thickly peopled portion of a city, town or village at a speed greater than ten miles per hour, unless the track is properly fenced or is not running along the public highway.

Foot passengers to use foot-bridge, if provided for that purpose at level crossings.

135. If the Commissioner of Public Works orders a railway company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their railway, for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

The company may pay penalty and deduct from wages.

136. The company may in all cases under this Act pay the amount of any penalty and costs imposed upon an officer, servant or person in the employ of the company, and recover the same from the offender or deduct it from his salary or pay.

How penalties recovered and applied.

137. All penalties incurred under any of the sections of this Act may be recovered in the name of Her Majesty, by Her Majesty's Attorney General for Ontario, in any court having competent jurisdiction thereover; and shall, unless otherwise herein expressly provided, be paid to the Treasurer of the Province to the credit of "The Railway Inspection Fund."

SCHEDULE A.

(Section 89.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of
 dollars paid to me (or us) by The Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of
 dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railways, to hold with the appurtenances unto the said The Electric Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals,) this day of one thousand eight hundred and

Signed, sealed and delivered,

In the presence of,

[L.S.]

SCHEDULE B.

(Section 79.)

CHIEF ENGINEER'S CERTIFICATE. THE ELECTRIC
RAILWAY COMPANY'S OFFICE.

No. .

A.D. 18 .

Engineer's Department.

Certificate to be attached to cheques drawn on the Electric Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer of the Electric Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the township of (*or under the agreement dated the day of , 18 , between the corporation of and the said company*) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*)

SCHEDULE

SCHEDULE C.

(Section 111.)

Form of yearly returns to the Commissioner of Public Works required from companies under "*The Electric Railway Act, 1895.*"

RETURNS made by the (*corporate name of the company*) in pursuance of "*The Electric Railway Act, 1895,*" for the period included between the (*insert the day to which the last returns extend, or the date of the commencement of operations, as the case may be*), to the last day of December, in the year 18

Statement containing copies of all contracts made by the Company, for the construction of any part of the railway, or for the leasing or hiring of power or rolling stock or rails.

Returns of the capital account of the said railway, and the revenue, expenditure, etc.

No. 1.—CAPITAL ACCOUNT.

	Autho- rized.	Sub- scribed and issued.	Actually paid up in cash.	*Rate of interest or dividend.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Total amount of ordinary share capital.				
do of preference share capital.				
do do				
do do				
do do				
do of ordinary bonds.....				
do do				
do do				
do do				
do do				
do of municipal loans.....				
do do bonuses.....				
do do subscription to shares.....				
do do subscription to bonds.....				
do from other sources.....				
Total capital				

* State whether dividend is cumulative or not.

No. 2.—SURPLUS TOLLS ACCOUNT.

	\$	cts.
Total amount at credit of above account on 1st January (<i>the year embraced in this return</i>)		
Total amount at debit of surplus tolls account..		
Interest received thereon for the year		
Total amount carried to credit of surplus tolls account for year		
Total		
Amount expended during year, giving particulars of nature of expenditure.....		
Total at credit of account on last day of the year.		

No. 3.—LOANS OR BONUS FROM MUNICIPALITIES.

From what source.	Amount of loan granted.	Am't. of bonus granted.	Amount of sub- scription to shares.	Amount of sub- scription to bonds.	Rate of interest	Date of repay- ment.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Municipalities..						
Totals.....						

No. 4.—BONDS OR OTHER SECURITIES NEGOTIATED BY THE COMPANY.

Amount.	Rate of interest.	Date of sale.	Prices realized.
\$ cts.	\$ cts.	\$ cts.	\$ cts.

No. 5.—FLOATING DEBT.

Amount.	Rate of Interest.	Remarks.
\$ cts.	\$ cts.	

No. 6.—ACTUAL COST OF RAILWAY AND ROLLING STOCK, ETC.

	\$ cts.
1. Cost of land and land damages	
2. Cost of grading, masonry and bridging, station buildings, etc	
3. Cost of rolling stock of all kinds, including workshops... ..	
4. Cost of plant, power houses and other property of com- pany, not included in above	
Total	

The above total to show the real cash cost of construction and rolling stock.

No. 7.—EARNINGS OF THE COMPANY.

	\$ cts.
1. From passenger traffic, including admission to company's pleasure parks.....	
2. From freight traffic	
3. From mails and express freight	
4. From sale of electricity or electric power, for lighting, heat- ing, etc	
5. From other sources	
Total	

No. 8.—GENERAL TARIFF OF TOLLS ESTABLISHED BY THE
COMPANY.

	\$ cts.

No. 9.—SUMMARY OF WORKING EXPENSES.

	\$ cts.
1. Maintenance of line, buildings, etc., of railway.....	
2. Cost of working and repairs to engines, motors, etc	
3. do do cars	
4. do general operating expenses of railway.....	
5. Other working expenses of the company in all other busi- ness carried on by it	
6. Interest on mortgage indebtedness	
7. Sinking fund	
8. Dividends	
Total cost of operating railway, etc	

The above statement to include the full cost of operating the railway,
and the total to correspond with the published return of the company.

CHAPTER 39.

An Act to amend the Act respecting Benevolent Provident and other Societies.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Rev. Stat.
c. 172, s. 12
amended.

Section 12, of the *Act respecting Benevolent, Provident and other Societies*, is amended by adding thereto the following sub-section :

Powers of
educational
societies as
to holding
lands.

(2) Excepting however any society or branch heretofore or hereafter incorporated under this Act having for its chief object the establishing of a seminary or institution for educational purposes, in which case the value of any building or buildings acquired or erected on such land and the income from such building or buildings shall not be considered in estimating such annual value.

CHAPTER 40.

An Act to amend the Act respecting Cemetery Companies.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 16 of the *Act respecting Cemetery Companies*, being chapter 175 of the Revised Statutes of Ontario, is amended by adding thereto the following sub-section :—

Rev. Stat. c.
175, s. 16.

(2) The company may, out of any moneys received by virtue of this Act, repurchase any lot or lots previously sold or conveyed by the company, and take conveyances of the same from the owners thereof, and may also, from time to time, resell the same in the manner and form provided respecting other lands in the cemetery held by the company.

Repurchasing
and re-selling
lots in ceme-
tery.

2. Section 11 of the said Act is amended by adding thereto the following sub-section :—

Rev. Stat. c.
175, s. 11,
amended.

(2) No grave in a cemetery shall be reopened for the purpose of removing a body therefrom, nor any monument or other permanent improvement placed on a lot be removed from such lot, without the consent of the directors of the company, or an order of the county court judge in that behalf, but, saving, nevertheless, the right of the Crown to order the removal of a body for the purposes of legal inquiry.

Opening
graves and re-
moving bodies.

3. Section 19 of the said Act is amended by adding thereto the following as sub-section 1a :—

Rev. Stat. c.
175, s. 19,
amended.

(1a) Every such company mentioned in this section may also take and hold by gift, assignment or devise from owners thereof any lot or lots in the cemetery of such company, for the purpose of maintaining the same in perpetuity or otherwise, in the manner and subject to the provisions mentioned in the instrument of such gift, assignment or devise.

Taking lots in
cemetery by
gift or devise.

Powers of
directors as to
passing by-
laws.

4. Section 27 of the said Act is repealed and the following substituted therefor :—

(27) The directors may pass by-laws for the laying out, selling and managing of the ground, for the regulating of burials to be made therein, the removal of bodies therefrom, the erection or removal of tombs, monuments, grave-stones, vaults, copings, fences, hedges or other permanent improvements therein, the planting, placing and removal of trees, shrubs and plants in the grounds and otherwise generally respecting the use of the grounds by the shareholders and the public ; and for empowering the president and secretary to execute conveyances of plots in the cemetery.

CHAPTER 41.

An Act respecting Cheese and Butter Manufacturing Associations.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Every association incorporated under the Act passed in the 51st year of Her Majesty's reign, chapter 24, for the purpose of manufacturing cheese or butter, shall have power to raise money by mortgage upon the real and personal property of the association.

Power to mortgage lands.

2. Every such mortgage shall be valid and binding upon the association to the extent of the interest conveyed thereby, and the covenants on the part of the said association therein contained, according to the true intent of the meaning thereof, when signed by the president and treasurer of the association, with the corporate seal of the association affixed thereto.

Mortgages, how to be executed.

3. No such mortgage shall be given or shall be binding upon the association until the same has been approved by the vote of two thirds in value of the shareholders in the association, to be given by by-law passed at a special meeting of the association duly called for that purpose.

Mortgage to be approved by shareholders.

4. This Act shall be read with and form a part of the Act mentioned in the first section hereof.

Act incorporated with 51 V. c. 24.

CHAPTER 42.

The Municipal Amendment Act, 1895.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c. 42,
s. 17, sub-s. 3
amended.

1. Clause *a* of sub-section 3 of section 17 of *The Consolidated Municipal Act 1892*, is amended by adding at the end thereof the following words: “and for the purpose of enforcing such payment the like remedies may be had and proceedings taken against the person in default as are provided by sub-section 1 of section 98 of *The Consolidated Assessment Act 1892*, in cases of neglect or refusal to pay any sum for statute labor commuted under section 94 of the said Assessment Act.”

55 V. c. 42, s.
77, sub-s. 1
repealed.

2. Sub-section 1 of section 77 of the said Act is amended by striking out all the words after the words “behalf of the corporation” in the twelfth line and inserting the following in lieu thereof:—

Disqualifica-
tion for
membership
in councils.

“Or having a contract for the supply of goods or materials, or supplies of goods or materials to a contractor for work for which the corporation pays or is liable directly or indirectly to pay or which is subject to the control or supervision of the council or of an officer thereof on behalf of the council, or has an unsatisfied claim for such goods or materials, and no person who, either by himself or with or through another, has any claim, action or proceeding against the municipality and no person who is counsel or solicitor either by himself or with or through another in the prosecution of any claim, action or proceeding against a municipality shall be qualified to be a member of the council of any municipal corporation”

55 V. c. 42, s.
102 amended.

3.—(1) Section 102 of the said Act is amended by striking out the third paragraph of the form of oath for freeholders therein and substituting therefor the following :

Amendment
of oath of free-
holder.

“That you are at the date of this election in your own right (or your wife is) a freeholder within this polling sub-division (or where ward is not sub-divided into polling sub-divisions then ‘within this ward’) in this municipality.”

(2) Section 102 of the said Act is further amended by striking out the 6th paragraph of the said form of oath and substituting therefor the following paragraph :

"(In the case of municipalities divided into wards) that you have not voted before at this election either at this or any other polling place in this ward, and (if the elector is tendering his vote for mayor, reeve or deputy reeve) that you reside in this polling sub-division (or when ward not sub-divided into polling sub-divisions then 'in this ward' or are not entitled to vote in the polling sub-division in which you reside, or are not resident within the municipality as the case may be) and that you have not voted before or elsewhere at this election in this municipality for mayor, (reeve or deputy reeve), and will not vote elsewhere in this municipality at this election for mayor (reeve or deputy reeve as the case may be.)"

Amendment of oath of freeholder voting for mayor or reeve, etc.

4. Section 103 of the said Act is amended by striking out the 8th paragraph of the form of oath of householder or tenant therein and substituting therefor the following :

"(In the case of municipalities divided into wards) that you have not voted before at this election either at this or any other polling place in this ward and (if the elector is tendering his vote for mayor, reeve or deputy reeve) that you reside in this polling sub-division (or where ward not sub-divided into polling sub-divisions then 'in this ward' or are not entitled to vote in the polling sub-division in which you reside) and that you have not voted before or elsewhere in this municipality at this election for mayor, (reeve or deputy reeve), and will not vote elsewhere in this municipality at this election for mayor (reeve or deputy reeve as the case may be.)"

Amendment of oath of householder.

5. Section 117 of the said Act is amended by inserting therein after the word "day" in the first line thereof, the following :

55 V. c. 42, s. 117 amended.

"Or where such last named day is a public holiday, then before twelve o'clock noon of the succeeding day."

Resignation of person nominated.

6. Section 117 of the said Act is further amended by striking out all the words after the word "municipality" in the thirteenth line thereof and substituting therefor the following :

55 V. c. 42, s. 117 amended.

"Provided also that if by reason of any such resignation or resignations the number of candidates remaining proposed for any office or offices does not exceed the number required by this Act to be elected for such office or offices, then the clerk or other returning officer shall declare such remaining candidate or candidates duly elected to such office or offices."

Election by acclamation when other candidates retire.

55 V. c. 42, s.
140 sub-s. 1
amended.

7. Section 140, is amended by adding thereto, as sub-section (1a) the following :

Imprisonment
of elector vot-
ing twice for
mayor.

(1a) The judge shall direct that in default of the payment of the said penalty and costs within the time fixed by the said judge, the offender shall be imprisoned in the common gaol for the county for such period not exceeding thirty days, as shall be directed by the said judgment, and in case of such default of payment the judge shall issue a warrant for such arrest and for confinement of the offender in such common gaol in accordance with the said judgment, unless the penalty and costs shall be sooner paid.

55 V. c. 42, s.
155, sub-s. 2
amended.
Declaration as
to poll-book.

8. Sub-section 2 of section 155 of the said Act is amended by striking out the word "was" in the fifth line thereof and substituting therefor the words "and poll book were."

55 V. c. 42,
schedule G
amended.
Declaration as
to poll-book.

9. Schedule G of the said Act is hereby amended by adding after the word "list" in the fifth line thereof the words "and poll book," and by substituting the word "were" for the word "was" in the sixth line thereof.

55 V. c. 42,
s. 182,
amended.

10. Section 182 of the said Act is amended by adding after the word "town," in the first line thereof, the words "or the office of reeve of a township or village," and by striking out the words "the first day of December" in the second line, and substituting therefor the words "first day of November."

55 V. c. 42,
s. 182,
amended.

11. Section 182 of the said Act is further amended by adding thereto as sub-section 2 the following :

Vacancies in
office of alder-
man or coun-
cillor after 1st
November.

(2) In case the office of alderman or councillor becomes vacant after the first day of November in any year, and an election to fill the vacancy has not been ordered by the court, it shall be in the discretion of the council to direct that an election be held to fill such vacancy or otherwise, as it may see fit.

55 V. c. 42, s.
187, sub-s. 1
amended.

12. Sub-section 1 of section 187 of the said Act, is amended by inserting after the word "thereat" in the twelfth line thereof the words "or in case of an election by acclamation any elector entitled to vote at a municipal election for the municipality."

55 V. c. 42,
s. 188
amended.

13. Section 188 of the said Act is amended by adding thereto the following as sub-section 2 :

Time for ser-
vice of notice
of motion.

(2) Service of such notice of motion shall be made within two weeks from the date of the order or fiat so granted by the

judge or officer having jurisdiction, unless otherwise ordered by the judge, as provided for in section 194 of this Act; and in cases where the order or fiat has heretofore been obtained, the service shall be made within two weeks after this Act shall come into force unless otherwise ordered by the judge.

14. Section 366 of the said Act is amended by inserting ^{55 V., c. 42,} the word "establishment," in the third line thereof, the ^{s. 366,} words "or any building for the storage of ice for commercial ^{amended.} purposes."

15. The said Act is amended by adding thereto the follow- ^{55 V. c. 42} ing section as section 399a:— ^{amended.}

399a.—(1) Either of the parties to any such arbitration may pay the fees of the arbitrators therein as demanded by the said arbitrators before delivery of their award, into the office of the clerk of the county court for the county in which the municipality, wherein the land which is the subject matter of such arbitration is situated, together with \$10 as security for costs, and the said clerk shall give a receipt for the same, and shall enter such payment in a book to be kept by him for the purpose, and shall be entitled to receive from the said party as a fee to his own use, when the sum paid in does not exceed \$50, a fee of fifty cents, and when the sum paid in exceeds \$50 the sum of \$1, and the said arbitrators, or any two of them, who may have made the award in such arbitration, upon the production of such receipt, shall forthwith deliver their said award to the said party to the arbitration paying in the said fees and the said \$10 as aforesaid. ^{Payment of arbitrators' fees on taking up award.}

(2) The party so paying in the said sum may have the fees taxed by the clerk on the latter's appointment without any judge's order, upon giving two days' notice of such appointment by service of a copy thereof upon the arbitrators or upon the person named by them to receive such service for them, and if the said fees are found upon such taxation to be authorized by the *Act respecting Arbitrations and References*, the said fees so paid into the office of the said clerk as aforesaid, shall, unless there is a revision of such taxation as hereinafter provided, be forthwith paid out to the said arbitrators by the said clerk, but in case of a revision of such taxation, such payment out shall be postponed until such revision shall have been finally disposed of, and shall be subject to the result of such revision. ^{Taxation of arbitrators' fees by clerk.}

(3) The said clerk upon taxation shall have regard to the charges made by each arbitrator and shall tax the fees of each arbitrator separately, and the costs of the taxation shall be in his discretion, and he may order the same to be paid either by ^{How costs to be taxed.}

the applicant or by the arbitrators or by any one or more of them, and he shall make such order in the premises as to him shall appear just.

Appeal from
taxation.

(4) Either party to the taxation may, within two days after the completion of such taxation, upon giving four days' notice to the opposite party, require a revision of such taxation by one of the taxing masters of the High Court at Toronto, and may require the clerk to transmit all papers in the matter to such taxing master, and upon the payment of the necessary postage to the clerk the latter shall forthwith transmit such papers and his certificate of taxation or decision or a duplicate thereof to such taxing master.

Revision of
clerk's
taxation.

(5) Upon such revision, the taxing officer shall revise the said taxation and the order or decision of the said clerk as well as to costs as to all other matters, and the costs of the appeal shall be in his discretion and he may order the same to be paid either by the applicant or by any one or more of the arbitrators as to him shall seem just, and his order shall be final and conclusive upon all parties, and such order when necessary may be enforced by execution to be issued out of the county court where the money was deposited.

Payment of
costs out of
\$10 paid in as
security.

(6) The order of the clerk or of the taxing master may direct the \$10 so paid in as security as aforesaid, or so much as may be necessary, to be applied toward the payment of any costs payable by the applicant and the remainder, if any, to be returned to him, and that any costs payable by any arbitrator shall be deducted from any fees payable to him and so paid into court as aforesaid. In the event of such moneys being insufficient in any case to pay such costs, the clerk of the county court may order that execution issue against the person ordered to pay any balance, and the same shall issue upon such order out of the county court into which the fees were paid.

Either party
may file
affidavits.

(7) Either party may file affidavits upon such taxation, or the clerk may examine the parties and the said arbitrators and any other witnesses upon oath upon the request of either party to the taxation.

Scale of taxa-
tion costs.

(8) When the amount of the fees paid in does not exceed \$100, the costs of taxation or appeal shall be upon the division court scale, and where the fees paid in exceed \$100, upon the county court scale; but the clerk or taxing officer may, in his discretion, fix a lump sum to be paid in lieu of taxation.

55 V. c. 42, s.
444 amended.

16. Section 444 of the said Act is amended by inserting the words "and provide and pay all other necessary expenses" after the word "necessaries" in the fifth line thereof, and by substituting the words "use and maintenance" for the words "and use" in the seventh line thereof.

17. Section 460 of the said Act is amended by adding thereto the following as sub-section 7: 55 V. c. 42, s. 460 amended.

(7) The council may pass by-laws for committing to and detaining at such houses of industry for a period of not more than twelve months, indigent persons, and the warrant of the warden or head of a council passing such by-law, under the seal of the corporation, shall be sufficient authority to the keeper of such house of industry to detain the person therein mentioned for a period stated in such warrant not to exceed twelve months, but this shall not affect the powers of commitment by law conferred on any other person or officer. Detention of indigent persons.

18. Sub-section 16 of section 479 of the said Act is amended by adding the following words thereto: 55 V. c. 42, s. 479, sub-s. 16.

“And for preventing the obstruction of the halls, aisles, passage-ways, alleys or approaches in any such buildings or leading thereto during the occupation of the same by any public assembly.” Regulating egress, etc., in public buildings.

19. During the time any church, theatre, hall or other building used for place of worship, public meeting or place of amusement is occupied by an assemblage of persons, the chief constable or any police officer or member of the police force of any city or town in which such church or other building is situated, may enter any such church or other building to see that the by-laws of the municipality for preventing the obstruction of the halls, aisles, passage-ways, alleys or approaches in such building or leading thereto are not being violated, and to require the removal therefrom of any obstructions which may be placed in such halls, aisles, passage-ways, alleys or approaches thereto. Powers of police officers as to seeing that by-laws enforced.

20. Section 483 of the said Act is amended by adding the following sub-sections thereto: 55 V. c. 42, s. 483 amended.

(2) Whenever any council in any city or incorporated town is desirous of entering upon any public work or undertaking, in the pursuance of which any real property may be entered upon, taken or used by the corporation in the exercise of any of its powers, or may be injuriously affected by the exercise of its powers, such council may, notwithstanding anything in this Act contained to the contrary, file plans and specifications of such work or undertaking, or certified copies thereof with the clerk of the municipality, who shall, on receiving the same, issue a notice setting out the council's intention to proceed with such work or undertaking, and to enter upon, take or use the lands necessary therefor, and that such plans and specifications have been filed with him and may be inspected at his office, and that all claims for damages by reason of the said proposed work or undertaking must be filed with him within sixty Taking lands for public works. Filing plans and specifications and giving notice.

days from the service of such notice, and shall cause such notice to be served upon the owners and occupiers of or other persons interested in the said real property to be so taken, entered upon or used as aforesaid, or that may be injuriously affected as aforesaid, and that such owners, occupiers or other persons shall file with the said clerk, within the said period of sixty days, their claim for damages for any of the causes aforesaid, showing the amount thereof, or in default thereof that any claim for such damages will be barred. Provided, however, that in case the person served as aforesaid shall, at the time of such service, be resident outside the Province of Ontario, a further period of thirty days shall be allowed such person to file such claim.

Time within
which claim
is to be made.

(3) All such claims shall be made pursuant to the said notice, and unless made within sixty days after the service of such notice in the case of persons resident within the Province, or within a further period of thirty days provided for in the case of persons resident outside of the Province, shall be barred and extinguished unless upon application to the judge of the county court of the county in which such city or town is situated, and upon giving to the said council at least seven days' notice of such application, such judge shall allow the claim to be made and served, but such claim shall be absolutely barred and extinguished unless made within a period of one year from the service of the said notice. Either party may appeal from the decision of the judge to a divisional court of the High Court.

Determining
claims by
arbitration.

(4) If any such claim shall be so filed within the time aforesaid the same, unless accepted by the council, shall forthwith be determined by arbitration under this Act.

Rev. Stat.,
c. 44.

(5) In every arbitration had or taken under any of the provisions of this Act, the person making a claim thereunder shall deliver full particulars of the damages for which such claim is made, and the arbitrator or arbitrators, upon the hearing of such claim, shall have the same power as to amendment generally, or to amend such claim or particulars or any proceeding or proceedings that may be had or taken upon the hearing thereof, as a judge would have under the provisions of *The Judicature Act* or otherwise, and such arbitrator or arbitrators may, in his or their discretion, refuse at any time to hear, upon any matter or question, further evidence of a cumulative character.

Claims not
barred where
plans
insufficient.

(6) Provided further that nothing in this section contained shall bar or extinguish any claim when the plans and specifications filed do not reasonably and sufficiently disclose the damage that may be sustained.

45 V. c. 42, s.
589, sub-s. 9a
amended.

21. Sub-section 9a of section 489 of the said Act is amended by striking out the figures "\$100" in the eighth line

thereof,

thereof, and substituting therefor the figures "\$250" and by striking out the figures "\$50" in the said eighth line and substituting therefor the figures "\$100."

22. Section 489 of the said Act is amended by inserting therein the following as sub-section 9b: 55 V. c. 42, s. 489 amended.

9b. The words "transient traders" wherever they occur in sub-sections 9 and 9a of this section, shall extend to and include any person, commencing the business in the said sub-sections mentioned, in any municipality, who has not resided continuously in such municipality for a period of at least three months next preceding the time of the commencement of such business therein. Meaning of words "transient traders."

23. Sub-section 38 of section 489 of the said Act is amended by inserting the words "or other member of the police force" after the word "inspector" in the fifth line thereof, and by adding the same words "or other member of the police force" after the word "officer" in the eighth line thereof. 55 V. c. 42, s. 489, sub-s. 38, amended.

24. Section 489 of the said Act is amended by adding the following sub-section thereto: 55 V. c. 42, s. 489, amended.

(59) For regulating and governing (but not licensing) persons using bicycles and other vehicles not drawn by horses; but this sub-section shall apply only to municipalities which have a population of 100,000 or more: Regulating bicycles.

25. Sub-section 13 of section 495 of the said Act is amended by adding at the end of the eighth line thereof the following words: "and for granting such aid to art schools, approved by the Education Department, as they may deem expedient." 55 V. c. 42, s. 495, sub-s. 13, amended.

26. Sub-section 25 of section 496 of the said Act shall not apply hereafter to a city containing over 100,000 inhabitants, and as regards such a city the following is substituted therefor: 55 V. c. 42, s. 496, sub-s. 25, amended.

(25) For compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them; and to remove and clear away all snow, ice and dirt and other obstructions from the sidewalks, streets and alleys adjoining such premises; and also to provide for the cleaning of sidewalks and streets adjoining vacant property or the property of persons who neglect to clean the same within five hours after eight o'clock in the morning where the storm ceased at any time before the hour of eight o'clock in the morning, and to remove and clear away all snow and ice and other obstructions from such sidewalks and streets at the expense of the Removal of snow, etc.
Hours within which sidewalks must be cleaned.

owner or occupant in case of his default ; and in case of non-payment to charge such expense as a special assessment against such premises, to be recovered in like manner as other municipal rates.

55 V. c. 42, s.
504, sub-s. 7,
amended.

27. Section 504 of the said Act is amended by inserting therein after sub-section 7 thereof the following sub-section :

Aiding benefit
funds for cor-
poration em-
ployees.

“(7a) For aiding and assisting by annual money grant, or otherwise, as the council may deem expedient, the establishment and maintenance of official benefit funds for employees of the corporation (other than employees of the police force and fire brigades hereinbefore provided for) and their families.”

55 V. c. 42, s.
510 amended.

28. Section 510 of the said Act is amended by adding thereto the following sub-sections as sub-sections 3, 4, 5, and 6.

Fire protec-
tion in defined
area in towns
or incorpor-
ated villages.

(3) Upon the petition of a majority of the ratepayers entitled to vote on money by-laws in any defined area or portion of a town or incorporated village representing in value more than one-half of the assessed real property within such portion or area, the council of such town or incorporated village may pass a by-law or by-laws for the purchase of a fire engine and other appliances, and the supply of water therefor, for the purposes of fire protection, and may by the same or any subsequent by-law define, by metes and bounds or otherwise what real property within such area will be benefited by the proposed fire protection and is to be charged with the cost thereof, and may also by such by-law or any subsequent by-law, make provision for assessing and levying on the real property so defined by the by-law the cost of managing and maintaining the said fire engine and appliances and for providing the necessary water supply.

Issuing
debentures.

(4) Debentures issued under this section shall be so issued in conformity with section 342 of this Act.

Costs of such
engine, etc.

(5) The said council may levy the costs of such engine and appliances and of the water supply upon the real property to be benefited in any one year, or may issue the debenture or debentures of the town or incorporated village payable in annual proportions during a period not exceeding ten years, with interest as to the said council, may seem meet and proper, and may levy the amount payable thereon from time to time upon the real property to be benefited as aforesaid.

Assent of
electors not
required.

(6) It shall not be necessary to submit any of the said by-laws in this section to a vote of the electors, nor to comply with the formalities required only for the purposes of such submission.

29. Section 521 of the said Act is amended by adding thereto, immediately after sub-section 6 thereof, the following sub-section : 55 V. c. 42, s. 521, amended.

6.—(a) For reducing or varying the amount of statute labor to be performed by the ratepayers or others within certain defined areas in the municipality when, in the opinion of the council, exceptional circumstances exist rendering such reduction or variation equitable, and upon such conditions as may be imposed by the by-law. Reducing or varying statute labor in defined localities.

30. Sub-section 1 of section 550 of the said Act is amended by striking out all the words in the last two lines thereof and substituting therefor the words : "Roads within its jurisdiction, and also for permitting subways or bridges for cattle under any highway." 55 V. c. 42, 550, sub-s. 1 amended.

31. Sub-section 1 of section 616 of the said Act is amended by inserting after the word "property" in the seventh line thereof the following words : "the number of such owners and the value of such real property as appears by the last revised assessment roll as aforesaid having been first ascertained and finally determined in the manner and by the means provided by by-law in that behalf." 55 V. c. 42, s. 616, sub-s. 1 amended.

32. Sub-section 4 of section 616 of the said Act is amended by adding after the words "city or town" in the first line the words "or incorporated village." 55 V. c. 42, s. 616, sub-s. 4, amended.

33. Sub-section 1 of section 623c of the said Act as amended by section 16 of *The Municipal Amendment Act 1894*, is amended by adding the following thereto as part thereof : 55 V. c. 42, s. 623c, amended.

When sidewalks have been or shall be built under this section, the property assessed for the said sixty per centum for or towards such construction shall be exempted from any general rate or assessment for the like purpose under section 624 of this Act to the extent of sixty per centum of such rate only. Exemption to extent of 60 per cent.

34. Section 629 of the said *The Consolidated Municipal Act, 1892*, is amended by adding thereto the following sub-section : 55 V. c. 42, s. 629, amended.

(5) The council may also, by by-law, designate certain streets or parts of streets to be watered, swept or lighted, and may impose a special rate upon the assessed real property therein according to the frontage thereof, or according to the assessed value thereof when only such latter system shall have been adopted, by a three-fourths vote of the full council, in order to pay any expenses incurred in watering, sweeping or lighting such streets or parts of streets. Local assessments for watering, sweeping or lighting streets.

55 V. c. 42
amended.

Submitting
by-laws for
purchase of
fire appliances
and lighting
and heating
in police vil-
lages.

35. The said Act is amended by inserting therein the following as sections 663*c* and 663*d*.

663*c*.—(1) On the application of the trustees of any police village for the issue of debentures for the purchase of fire engines and other appliances for the purpose of fire protection and the supply of water therefor or for lighting the streets of such police village, or supplying light and heat to the inhabitants thereof, the council of the township in which the police village is situated shall submit to the ratepayers of such village entitled to vote on money by-laws in the manner provided by this Act in respect of by-laws for the creating of debts, a by-law for the purpose of issuing such debenture or debentures for a period not exceeding ten years, and for levying a special rate for repayment thereof upon the taxable property in such police village, and in the event of the assent of the said ratepayers being thereto obtained then it shall be the duty of such council to raise or borrow such sum.

Issuing
debentures.

(2) Debentures issued under this section shall be so issued in conformity with section 342 of this Act.

Treasurer to
pay orders of
trustees on
funds raised.

(3) All moneys so raised as aforesaid by the issue of debentures shall be retained in the hands of the township treasurer, who shall pay thereout any order given in favor of any person or persons by the inspecting trustee or by any two of the trustees, such order being for work previously actually performed or in payment of some other executed contract necessary for the carrying out of such improvements.

Trustees may
make con-
tracts, employ
labor, etc.

(4) It shall be the duty of the trustees, and the trustees shall have power to let contracts, employ labour, purchase material, and do all things necessary for the proper construction, maintenance and operating of such improvements, and the said trustees shall have the care, control and management of the said fire engine and appliances as well as of the construction, maintenance and operating of the plant and apparatus necessary for the purpose of supplying light and heat as aforesaid, and the said trustees shall annually before the striking of the rate for the year by the township council furnish to the council a statement showing in detail the amount required to be levied from the property of the said village for the services aforesaid for the current year, and for managing, and maintaining the said fire engine and appliances, and for providing the necessary water supply.

Fire protec-
tion in defined
area in police
villages.

663*d*.—(1) Upon the petition of a majority of the ratepayers entitled to vote on money by-laws in any defined area or portion of a police village, representing in value more than one-half of the assessed real property within such portion or area, the township council of the township in which such police village is situate may pass a by-law or by-laws for the purchase of a fire engine and other appliances and the supply of water therefor for the purposes of fire protection, and may by

the

the same or any subsequent by-law define, by metes and bounds or otherwise what real property within such area will be benefited by the proposed fire protection and is to be charged with the cost thereof, and may also by such by-law or any subsequent by-law, make provision for assessing and levying on the real property so defined by the by-law the cost of managing and maintaining the said fire engine and appliances and for providing the necessary water supply.

(2) The said council may levy the costs of such engine and appliances and of the water supply upon the real property to be benefited in any one year, or may issue the debenture or debentures of the township payable in annual proportions during a period not exceeding ten years, with interest as to the said council may seem meet and proper, and may levy the amount payable thereon from time to time upon the real property to be benefited as aforesaid.

Costs of such engine, etc.

(3) The police trustees shall have the charge, control and management of the said fire engine and appliances and the said supply of water, and shall annually before the striking of the rate for the year by the township council furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining the said fire engine and appliances and for providing the necessary water supply.

Police trustees to have charge.

(4) It shall not be necessary to submit any of the said by-laws in this section or in the preceding section mentioned, except the by-law directed to be so submitted, to a vote of the electors, nor to comply with the other formalities required only for or on account of such submission.

Assent of electors not required.

(5) Debentures issued under this section shall be so issued in conformity with section 342 of this Act.

Issuing debentures.

36. Section 667 of the said Act is amended by adding thereto the following as sub-section 667b:

44 V. c. 42. amended.

667b.—(1) Upon the petition of three-fourths of the persons entitled to vote upon a money by-law in any police village, the township council of the township in which such police village is situate may pass a by-law or by-laws for acquiring real property within or without the limits of said police village for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the said council may deem necessary for the purposes of such park, garden or place for exhibitions and for the disposal of such real property and improvements when no longer required for such purposes.

Establishment of parks, gardens, etc., in police villages.

(2) By the same or any subsequent by-law the council may make provision for assessing and levying on the real property of the said police village, the cost of such park, garden or place for exhibitions, and of the erecting thereon of buildings and fences

Assessing property in police villages for cost of parks.

fences and of the repairing and maintaining of such improvements, or for the issuing of the debenture or debentures of such township payable in annual proportions during a period not exceeding ten years, with interest for the payment thereof, and for levying of the amount payable on such debenture or debentures from time to time upon such real property.

Police trustees
to have con-
trol of park.

(3) The police trustees shall have the charge, control and management of such public park, garden or place for exhibition, and shall annually before the striking of the rate for the year by the township council furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining such public park, garden or place for exhibitions.

Assent of
electors not
required.

(4) It shall not be necessary to submit any of the said by-laws in this section mentioned to a vote of the electors, nor to comply with the other formalities required only for or on account of such submission.

57 V. c. 50, s.
5, amended.

37. Sub-section 3 of section 413 of the said Act, added thereto by section 5 of *The Municipal Amendment Act, 1894*, is repealed.

Incorporation
with 55 V. c.
42.
Commence-
ment of Act.

38. This Act shall be read with and as part of *The Consolidated Municipal Act, 1892*, and shall come into force on the 1st day of June next after the passing of this Act.

CHAPTER 43.

An Act respecting Municipal Arbitrations.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Municipal Arbitrations Act*." Short title.

2.—(1) Notwithstanding anything contained in *The Consolidated Municipal Act* or any other Act, all claims against the corporation of a city, containing a population of 100,000 or over, for compensation or damages, under section 483 of *The Consolidated Municipal Act, 1892*, or any amendment thereof, and all other claims and questions arising under any lease or other contract, to which the corporation is a party, and which, by law, or by the terms of the contract, are to be decided by the award of one or more arbitrators, shall hereafter be heard and determined by an official referee, to be appointed by the Lieutenant-Governor in Council and who may be called, and who is hereinafter called the "Official Arbitrator." Appointment of official arbitrator.

(2) The official arbitrator shall be deemed to be an officer of the High Court and shall not act as solicitor or counsel for or against the municipality, in which he is such arbitrator, in any case in which the said municipality is interested.

(3) He shall be a barrister of at least ten years' standing at the bar of Ontario.

(4) The official arbitrator shall have all the powers of an official referee under *The Judicature Act* and otherwise, and shall hold his office upon the same tenure as an official referee.

(5) The official arbitrator shall have all the powers of an arbitrator under *The Municipal Act*, and he shall likewise have the powers of other arbitrators generally.

(6) The official arbitrator shall have also, as respects proceedings before him, the powers of a judge of the High Court, including the production of books and papers, the amendment of notices for compensation or damage, and of all other notices and proceedings, the rectification of errors or omissions, the Powers of official arbitrators.
time

time and place of taking examinations and views, the assistance of engineers, surveyors, or other experts, and as respects all matters whatsoever incident to the trial and decision of matters before him, or proper for doing complete justice therein between the parties, including the question of costs.

Commence-
ment of pro-
ceedings under
Act.

3. In case any person interested in any such claim or question, as aforesaid, desires the same to be determined by the official arbitrator for the city, he shall give to the city clerk and to the other party, or parties interested, seven clear days' notice that the same is so referred, specifying, therein, the nature of the claim or question to be determined, and the amount in controversy, and upon such notice or notices, with sufficient proof of the service thereof, as aforesaid, being filed with him, the arbitrator may proceed to hear and determine the matters so referred to him.

When arbi-
trator to state
reasons in
writing.

4. In the event of the official arbitrator proceeding partly on view or upon any special knowledge or skill possessed by himself he shall put in writing as part of his reasons a statement of such matter sufficiently full to allow the Court of Appeal to determine the weight which should be attached thereto.

Filing award
or report.

5. The award of the official arbitrator, with the evidence and exhibits, and the reasons of his decision, shall be filed in the office of the clerk of the Court of Appeal, and notice of the filing shall forthwith be given by the official arbitrator to the parties appearing upon the reference, or to their solicitors.

Fees to be
paid before
award made
public.

6. The award when lodged with the clerk of the Court of Appeal is not to be made public until all the fees payable by the parties have been paid to the said official arbitrator.

Award to be
binding upon
parties
thereto.

Appeal to
court of
appeal.

7. The award of the official arbitrator shall be binding and conclusive upon all parties thereto unless appealed from within one month after the filing thereof to the Court of Appeal. The award may be appealed against to the Court of Appeal in the same manner as the decision of a Judge of the High Court is appealed from.

Giving out
exhibits when
no appeal.

8. In case of no appeal the exhibits may be delivered out to the parties entitled to same at the expiration of one month from the deposit of the award in the proper office.

Transferring
actions to
arbitrator.

9. Where a party brings an action for damages in a case in which, according to the opinion of the Court in which the action is brought, or a Judge thereof, the proper proceeding is under this Act, the Court or Judge, on the application of either party, or otherwise, may order the action to be transferred to the said official arbitrator at any stage of the action, and on such

terms

terms as to costs or otherwise as the Court or Judge may see fit, and the official arbitrator shall thereupon give such directions as to the prosecution of the claim before him as may seem just or convenient, and subject to the order of transfer in this behalf, the costs of the proceedings shall be in the discretion of the official arbitrator.

10.—(1) The Judges of the Supreme Court shall have the same authority for making general rules and orders with respect to matters under this Act as they have with respect to *The Judicature Act*, and also to frame tariffs of fees to be paid, and sections 105 to 108 of *The Judicature Act* shall apply thereto. Rules of Supreme Court.

(2) Such rules and tariffs, shall be published in the *Ontario Gazette*, and shall thereupon have the force of law, and the same shall be laid before the Legislative Assembly at its next session after promulgation thereof. Publication of rules and tariff.

(3) Costs, if given by the said official arbitrator are to be taxed by one of the taxing officers of the High Court, and shall be payable upon such scale and to such parties as may be determined by the said official arbitrator. How costs to be taxed.

(4) The said official arbitrator shall receive for his services, while sitting upon any arbitration proceeding, at the rate of \$20 per day, or a proportionate part thereof, where a sitting upon any one day occupies less than a whole day, or for a meeting, at which the cause is not proceeded with, but an enlargement or postponement is made at the request of any party, \$4 and one-half of the said fees shall be payable by each of the parties thereto, if only two parties are interested, and proportionately by all parties interested if a larger number than two are so interested, but the official arbitrator shall have power by his award to determine that any sum so paid or payable for fees may be recoverable by any one or more of the parties thereto from any other or others of the parties thereto, and the same shall be recoverable as any other costs of the arbitration proceedings. Fees of official arbitrator.

11.—(1) The Lieutenant-Governor in Council may also appoint, for such municipality, an assessor of sound judgment, experience and knowledge in, and as to matters relating to real property within such municipality, to sit with the official arbitrator, upon arbitrations as hereinafter provided. Appointment of assessor.

(2) The assessor shall be called upon by the official arbitrator :— In what cases to be called in.

(a) In any arbitration pending before him, upon the request of all parties to the arbitration, and at any stage of the proceedings.

(b)

(b) When the official arbitrator desires his advice and assistance, and no party to the proceedings objects thereto, at the time he is so called in.

(3) The said assessor shall not make, or join in the award, but shall otherwise give the official arbitrator such assistance as he may require.

Assessor's
fees.

(4) The assessor shall receive for his services, while sitting on any arbitration proceeding as aforesaid, at the rate of \$10 per day, or a proportionate part thereof, where a sitting on any one day occupies less than a whole day; or for a meeting where the cause is not proceeded with, but an enlargement or postponement is made at the request of any party, \$2.

How payable.

(5) The fees of the assessor shall be payable by the same parties, and in the same proportion and manner, and shall be recoverable in the same way as those of the arbitrator and shall be treated, in all respects, in the same manner as the fees of the arbitrator, as to the ultimate payment thereof, and as to the manner of such payment.

Extension of
Act of town-
ship of York.

12. This Act may be extended and made to apply to the township of York, in the county of York, upon the request of the council of the said township to the Lieutenant-Governor in Council by petition and upon the proclamation of the Lieutenant-Governor declaring the same to be in force in the said township, and in such case this Act shall be read as though it had been expressly made to apply to the said township throughout as well as to the said city from the time specified in such proclamation.

Pending
matters not
affected.]

13. Nothing in this Act contained shall affect any action or arbitration now pending.

Act incorpo-
rated with
55 V. c. 42.

14. This Act shall be read with, and as part of *The Consolidated Municipal Act, 1892*, as amended.

CHAPTER 44.

An Act respecting Convictions under Municipal By-laws.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On an appeal from a motion to quash a conviction made under a municipal by-law passed in pursuance of any Act of this Legislature such conviction shall not be deemed invalid or be quashed for want of proper proof of such by-law before the convicting justice, but upon any proceeding to quash such conviction the court to which the application is made may, in its discretion, dispense with proof of the by-law or may allow the same to be proved before it by affidavit or by the production of a copy duly certified in manner provided by section 289 of *The Consolidated Municipal Act 1892*. Convictions not invalidated for want of proof of by-law. 55 V. c. 42.

2. Nothing in this Act shall be construed as relieving a prosecutor from the duty of proving the by-law before the magistrate, or as entitling the magistrate to dispense with such proof. By-laws to be proved.

CHAPTER 45.

An Act to amend and consolidate the Acts respecting
Free Libraries and Mechanics' Institutes.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.

Short title. 1. This Act may be cited as "*The Public Libraries Act, 1895.*"

Establishment of public libraries. 2.—(1) A public library may be established in any city, town or incorporated village, in manner hereinafter provided.

Museums in cities of 100,000. (2) In cities with a population of 100,000 persons or over, the board of management shall not establish a museum except by and with the consent of the municipal council of the city. 55 V., c. 47, s. 5.

Petition for establishment of library. (3) Not less than one hundred electors in the case of a city, or not less than sixty in the case of a town, or not less than thirty in the case of an incorporated village, may present a petition to the council praying for the establishment of a public library under this Act, and on the receipt of such petition the council may pass a by-law giving effect to such petition, with the assent of the electors qualified to vote at municipal elections obtained before the final passing of the by-law as provided by *The Consolidated Municipal Act, 1892.* R. S. O., 1887, c. 189, s. 2 (3).

When by-law may be passed by council. (4) A by-law under this Act, which has been assented to by the electors, may be passed at the first or any meeting of the municipal council thereafter, without waiting for the expiration of fourteen days or any other time, unless a petition for a scrutiny has been presented in the meantime as provided by section 328 of *The Consolidated Municipal Act, 1892.*

Council to pass by-law without delay. (5) After a by-law has been assented to, it shall be the duty of the council for the time being to pass the same without unnecessary delay, whether such council is, or is not, the same council which submitted the by-law to the electors. R.S.O. 1887, c. 189, s. 2, (4), (5).

(6)

(6) In case the vote of the electors is adverse to the by-law, If defeated by electors, by-law not to be re-submitted in same year. no new by-law for the same purpose shall afterwards be passed by the council, to be submitted to the electors within the same municipal year. Rev. Stat., c. 189, s. 2 (6).

(7) Upon the coming into operation of this Act in any municipality, it shall, as regards such municipality, be deemed Act to be incorporated with Municipal and Assessment Acts. to be incorporated with *The Municipal and Assessment Acts* from time to time affecting such municipality. Rev. Stat., c. 189, s. 12.

(8) The forms in the schedule may be used for the purposes of Forms. this Act, or any forms to the like effect, and the recitals contained in the said forms shall be deemed sufficient, any provisions in *The Consolidated Municipal Act, 1892*, to the 55 V. c. 42. contrary notwithstanding. Rev. Stat., c. 189, s. 13.

3.—(1) The general management, regulation, and control of the library, and of the reading-room and museum shall be vested Appointment of Board of Management. in and exercised by a board of management; which board shall be a body politic and corporate, and shall be composed of the mayor of the city or town, or the reeve of the village, and three other persons to be appointed by the council, three by the public school board, or the board of education of the municipality, and two by the separate school board, if any.

(2) No person who is a member of the body entitled to Member of appointing bodies not eligible. appoint shall be qualified to be a member of the board of management.

(3) Of the representatives appointed by the council, and the public school board, or board of education and separate school board, respectively, one shall retire annually, but may Annual retirement of one member from each class. be re-appointed.

(4) Of the three members first appointed by the council, and public school board, or board of education, respectively, one shall hold office until the first day of February after his appointment, one until the first day of February in the following year, and one until the same day in the year next thereafter; and of the two members first appointed by the separate school board, one shall hold office until the first day of February after his appointment, and one until the first day of February of the following year; but every member of the board of management shall continue in office after the time named until his successor is appointed. Term of office of first members.

(5) In case of a vacancy by the death or resignation of a Vacancies. member of the board of management, or from any cause other than the expiration of the term for which he was appointed, the member appointed in his place shall hold office for the remainder of his term.

(6) Subject to these provisions, each of the members Term of office of subsequent members. appointed by the council, or public school board, or board of

education, shall hold office for three years from the first day of February in the year in which he is appointed; and each of the members appointed by the separate school board, for two years from the first day of February in the year in which he is appointed.

When appointments to be made.

(7) The first appointment of members to the board of management shall be made at the first meeting of the appointing council or board, after the final passing of the by-law. The annual appointments thereafter shall be made at the first meeting of the appointing council or board, after the first day of January in every year; and any vacancy arising from any cause, other than the expiration of the time for which the member was appointed, shall be filled at the first meeting thereafter of the appointing council or board. But if for any reason appointments are not made at the said dates, the same shall be made as soon as may be thereafter.

Chairman.

(8) The board of management shall at the first meeting in February of each year elect one of their number as chairman, who shall hold office for one year; he shall preside at meetings of the board when present; in his absence a chairman may be chosen *pro tempore*. The chairman shall have the same right of voting as the other members of the board, and no other.

Meetings.

(9) The board shall meet at least once every month, and at such other times as they may think fit.

Special meetings.

(10) The chairman or any two members may summon a special meeting of the board by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called.

Quorum.

(11) No business shall be transacted at any general or special meeting unless four members are present.

Record of business.

(12) All orders and proceedings of the board shall be entered in books to be kept by them for that purpose, and shall be signed by the chairman for the time being.

Records as evidence.

(13) The orders and proceedings so entered and purporting to be so signed, shall be deemed to be original orders and proceedings, and such books may be produced and read as evidence of the orders and proceedings upon any judicial proceeding whatsoever. R. S. O., 1887, c. 189, s. 3. "

Duties of board.

4.—(1) Subject to the restrictions and provisions hereinafter contained, the board from time to time, shall procure, erect or rent the necessary buildings for the purposes of the library and reading-room and for all other purposes authorized by this Act; the board shall purchase books, newspapers, magazines, maps and specimens illustrative of the arts and sciences, for the library, reading room and museum, and do all things necessary for keeping the same in a proper state of preservation and repair; and provide the necessary fuel, lighting, and other similar

matters;

matters; and appoint and dismiss, as they see occasion, the officers and servants of the board. R. S. O., 1887, c. 189, s. 4.

(2) No public library board shall in any year purchase any lands or erect any buildings or make any addition or alterations thereto exceeding in cost \$2,000 without the authority of the municipal council. 55 V., c. 47, s. 1. Limit as to expenditure on capital account.

(3) The board of management may open a free reading room or museum, or both, in connection with the library; they may establish branch libraries and branch reading rooms in the municipality. They may also open evening classes for artisans, mechanics and workingmen, in such subjects as may promote a knowledge of the mechanical and manufacturing arts. 52 V., c. 38, s. 1. Free reading rooms, museums, evening classes.

(4) All the powers vested in the board of management, and all the duties imposed upon the said board with respect to libraries, news-rooms and museums, shall apply to evening classes established under this Act, and the board shall have the same powers with respect to the appointment and dismissal of teachers or instructors as they now possess with respect to other officers of the board. 52 V., c. 38, s. 2. Powers, etc., of board of management with respect to evening classes.

5.—(1) The board may make regulations for the use of the library, reading rooms, and museum, and for the admission of the public thereto; and for regulating all other matters and things whatsoever connected with the management of such library reading room, museum, and evening classes, and for the management of all property of every kind under their control for the purposes of this Act; and the board may impose penalties for breaches of the regulations, not exceeding \$10 for any offence; and may from time to time repeal, alter, vary, or re-enact any such regulations. Board may make by-laws respecting use of library.

(2) After such regulations have been published once a week for at least two weeks in a newspaper published in the municipality, or in a newspaper circulated therein, if no newspaper is published therein, the regulations so published shall be binding on all parties concerned; but any judge or magistrate, before whom a penalty imposed thereby is sought to be recovered, may order a part only of such penalty to be paid, if he thinks fit. Promulgation of regulations.

(3) Nothing herein contained shall preclude the recovery of the value of articles or things damaged, or the amount of damage sustained, from parties liable for the same. Rev. Stat., c. 189, s. 5. Recovery of damages.

6.—(1) The board of management shall submit to the municipal council on or before the first day of April in each year a detailed estimate of the several sums required to pay during the ensuing financial year— Submission of estimates by board to council.

1. The interest on any money borrowed, as hereinafter mentioned.

2. The amount of the sinking fund.

3. The expense in detail of maintaining and managing the libraries, reading rooms or evening classes under their control and of making any purchases required therefor. 55 V., c. 47, s. 2.

Board to keep regular accounts.

7. The board of management shall keep distinct and regular accounts of their receipts, payments, credits and liabilities, and the accounts shall be audited by the auditors of the municipality, in like manner as other accounts of the municipality, and shall thereafter be laid before the council by the board of management. Rev. Stat., c. 189, s. 7.

Special rate for library purposes.

8.—(1) For the purpose of providing for the expenses necessary for carrying this Act into effect, the council of the municipality, in addition to all other rates and assessments levied and assessed for municipal purposes, shall levy and assess from year to year a special annual rate sufficient to furnish the amount estimated by the said board to be required as aforesaid, but not exceeding one-half of a mill in the dollar upon the assessed value of all ratable real and personal property, such rate to be called "The Public Library Rate." Rev. Stat., c. 189, s. 8 (1).

In cities of 100,000.

(2) In cities with over 100,000 of a population the council shall not levy in any year a rate greater than one-quarter of one mill in the dollar. 55 V., c. 47, s. 3.

Submission of by-laws for incurring debts for free libraries to electors.

(3) In case any public library board requires the council to raise, as provided in the said Act, any money involving an assessment, exceeding the amount specified in sub-section 1 of section 8 hereof, for the purpose of purchasing or erecting buildings, the council by a two-thirds vote of all the members thereof may refuse to raise such sum, and if the board requires, the question shall be submitted by the council to a vote of the electors of the municipality entitled to vote on money by-laws, in the manner provided by *The Consolidated Municipal Act, 1892*, in respect of by-laws for the creation of debts, and in the event of the assent of the electors being obtained, it shall be the duty of the council to raise the said amount in the manner provided by the said Act. 55 V., c. 47, s. 4.

55 V. c. 42.

Public library debentures.

(4) The council may also, subject as hereinafter provided, on the requisition of the board of management, raise by a special issue of debentures of the municipality, to be termed "Public Library Debentures," such sums as may be required for the purpose of purchasing and erecting the necessary buildings, and, in the first instance, for obtaining books and other things required and for discharging the liabilities of any mechanics' institute transferred to the board under this Act.

Interest and sinking fund.

(5) During the currency of the debentures so issued the council shall withhold, and retain as a first charge on the said annual rate, such amount as shall be required to meet the annual interest of the debentures, and a sinking fund for the

retirement

retirement thereof as the debentures become due, such sinking fund to be invested and dealt with as in the case of other municipal debentures.

(6) All moneys levied or raised as aforesaid shall be received by the treasurer of the municipality in the same manner as other municipal funds, and be paid out by him on the orders of the board; save as to the amount required to meet the interest and provide a sinking fund for debentures issued as aforesaid. Application of moneys raised on debentures.
Rev. Stat., c. 189, s. 8 (2), (3), (4).

(7) It shall not be necessary to submit to the electors a by-law, authorizing the issue of debentures, provided the annual sum required to meet the annual interest and sinking fund do not, with a reasonable allowance for annual expenses, exceed half a mill in the dollar. When by-law need not receive assent of electors. 55 V., c. 47, s. 3.

9. All libraries, reading rooms and museums established under Part I of this Act shall be open to the public, free of charge. Admission to be free. 45 V., c. 22, s. 9.

PART II.

10. In cities, towns and incorporated villages in which no public library has been established, the municipal council thereof may appoint a board of management, as provided by section 3 of this Act, and such board shall be a corporation within the meaning of this Act, and shall be known as The Public Library Board. Public libraries, how established.

11.—(1) On the presentation to the municipal council of any city, town or incorporated village of a petition signed by a majority of the board of management of any public library appointed under Part III. of this Act or of the directors of any Mechanics' Institute, situated within such city, town or incorporated village and incorporated under *The Act respecting Mechanics' Institutes and Art Schools*, the municipal council may appoint a board of management as provided by section 3 of this Act, and such board shall be a corporation within the meaning of this Act, and shall be known as "The Public Library Board." Mechanics' institutes changed to public libraries.
Rev. Stat. c. 173.

(2) On the appointment of a board of management as herein provided, the corporation of the mechanics' institute shall cease and determine, and all property real and personal and all books and papers belonging to such mechanics' institute shall be vested in such board of management subject to this Act and subject to the payment of any debts and liabilities of such Mechanics' Institute by such board.

(3) Every board of management so appointed shall possess and enjoy similar powers (except as hereinafter mentioned) and discharge similar duties with respect to public libraries

organized

organized according to Part II. of this Act, as are now possessed or discharged by the boards of management of public libraries organized according to Part I. of this Act.

(4) No special rate shall be levied by any municipal council for the purposes of a public library organized according to Part II. of this Act, until a by-law has been first approved by the electors of the municipality as required by section 2 of Part I. of this Act.

Municipal
aid.

12. The council of any municipality in which a public library has been established may pay to the board of management a sum equal to the amount annually appropriated by the Education Department for such library, or any other sum which they may deem expedient, and it shall be lawful for the council to levy and collect such sum as part of the general expenses of the municipality.

Municipalities
may unite.

13. Any municipality contiguous to any city, town or incorporated village in which a public library is situated may enter into an agreement with the board of management for the use of such library and for such representation on the board as may be deemed expedient.

Teachers'
institutes may
unite.

14. The teachers' institute of any inspectoral district in which a public library has been established may place the books held by such institute in the custody of the board of management of the public library, and on so doing shall be entitled to appoint one member to the board of management, and in such cases every member of such teachers' institute shall have the use of the public library on the same terms as residents of the municipality in which such library is situated.

Farmers'
institutes may
unite.

15. Every farmers' institute established within the electoral district in which a public library is situated may affiliate with such public library on terms to be agreed upon with the board of management, and in the event of such affiliation every member of such farmers' institute shall have the use of the library on the same terms and conditions as residents of the municipality in which such library is situated.

Public
libraries free.

16. Every public library established and every mechanics' institute transferred to a board of management under Part II. of this Act, shall be open to the public free of charge.

PART III.

Ten persons
may incorporate
for purpose of estab-
lishing a
public library.

17.—(1) When the municipal council does not appoint a board of management, or when the municipality is not a city, town or incorporated village, any number of persons not less than ten being British subjects and 21 years of age

may

may become incorporated for the purpose of establishing a public library by making a declaration in the form of schedule "A" to this Act and filing the same in the office of the registrar of deeds for the registration district in which the public library which it is proposed to establish shall be situated. The person presenting such declaration for filing shall, before the registrar or before a notary public or a commissioner for taking affidavits, declare the same to be executed by the parties thereto or by their attorneys. A copy of such declaration shall be transmitted to the Education Department. For the filing of the declaration and for every certified copy the registrar shall be entitled to a fee of fifty cents. R. S. O. 1887, c. 173, s. 2, (1), (2), (3).

(2) Within thirty days after the filing of the declaration a meeting of the persons whose names were subscribed thereto shall be held for the election of a board of management for the public library which it is proposed to establish, and the board of management so elected and their successors shall be a body corporate and shall possess all the rights and powers conferred by *The Interpretation Act* and by Part III. of this Act. R. S. O. 1887, c. 173, s. 4, 5. Election of
board of
management.

Rev. Stat.
c. 1.

(3) On the incorporation of a public library as provided in the preceding sub-section any person 12 years of age may become a member thereof, but no public library established under Part II. or Part III. of this Act shall be entitled to share in any appropriation made by the Legislative Assembly which does not possess a membership of at least one hundred persons of whom fifty shall be over 21 years of age. In the case of the election of a board of management the word "member" shall mean only such persons as are 21 years of age.

(4) On the first Monday of May in each year the members of every public library established under the *Act respecting Mechanics' Institutes and Art Schools* or under Part III. of this Act shall elect a board of management of not less than five or more than nine persons, who shall hold office for one year or until their successors are elected. The board shall, as soon after their election as convenient, elect from among themselves a president, and shall also appoint a secretary, treasurer and librarian and any other officers that may be necessary for the purpose of such library. See R. S. O. 1887, c. 173, s. 6, 7, 8.

18. The board shall provide suitable accommodation for the library, reading room and evening classes, and shall have power to purchase, erect or rent buildings for this purpose; they shall purchase books, magazines, newspapers and other reading matter for the library and reading room, and shall make regulations Board may
make regula-
tions.

for the management and use of the same ; they shall also make regulations for conducting the business of the board, for holding regular and special meetings, and for defining the duties of the officers of the board, and the fees to be paid by members, and generally for such other matters not inconsistent with this Act as may be necessary for promoting the usefulness of the public library and reading room and the efficiency and discipline of the evening classes. Minutes of all their proceedings shall be kept and entered in books to be provided for this purpose by the board of management. R. S. O. 1887, c. 173, ss. 9, 10.

GENERAL PROVISIONS.

Legislative
aid.

19. The sum of forty-six thousand dollars (being the sum now appropriated by the Legislature for mechanics' institutes) shall be set apart annually by the Legislative Assembly in aid of public libraries and shall be distributed *pro rata* subject to the regulations of the Education Department as follows :

(1) The sum of one dollar will be allowed for every dollar invested annually by the board of management in the purchase of books, but so as not to exceed \$200 in the case of cities, \$150 in the case of towns, and in all other cases \$100.

(2) A further sum of one dollar will be allowed each public library for every dollar expended on newspapers and magazines for the purposes of a reading room, but so as not to exceed \$50 for each reading room.

(3) The sum of \$3 will be allowed for every pupil where evening classes have been established under this Act, providing the class is composed of 25 pupils, or under, with an additional allowance of \$1 per pupil over the number of 25, but so as not to exceed the sum of \$100 for evening classes.

Art schools.

20. Every art school incorporated under the *Act respecting Mechanics' Institutes and Art Schools* or under any other Act is hereby continued and shall be entitled to receive, subject to the regulations of the Education Department, a sum not exceeding \$400 annually out of any appropriation made by the Legislative Assembly for art schools, and such further sum on the basis of attendance and efficiency as may be approved by the Minister of Education.

Ontario
Society of
Artists.

21. The Ontario Society of Artists, so long as the number of its *bona fide* members is not less than 25, shall receive, subject to the regulations of the Education Department, the sum of \$500, provided such sum is annually appropriated by the Legislative Assembly for the benefit of such society. See R. S. O. 1887, c. 173, s. 25, 26, 27.

22. When the board of management of a public library fail or neglect to open the library to the members of such library or to the public for two years, as required by the regulations of the Education Department, such failure or neglect shall operate a dissolution of such corporation, and it shall be lawful for the Education Department through its proper officer, to take possession of all the books, magazines and periodicals in such library, and dispose of the same to the municipal corporation of the municipality in which such public library is situated, on such terms and conditions as may be agreed upon, but nothing herein contained shall be deemed to confer any authority or control over any real estate under the jurisdiction of said directors. R. S. O. 1887, c. 173, s. 16.

Neglect to
keep library
open.

23. Any person who wilfully interrupts or disquiets any public library established and conducted under the authority of this Act, by rude or indecent behavior, or by making a noise either within the library, or so near thereto as to disturb the persons using the same, shall, for each offence on conviction thereof before a police magistrate or justice of the peace, forfeit and pay for library purposes to the municipality, within which the offence was committed, a sum not exceeding \$20, together with the costs of conviction, as the said police magistrate or justice may think fit. 52 V., c. 38, s. 5.

Penalty for
disorderly be-
havior.

24. The county judge, upon the request of the board of any public library within his jurisdiction, may appoint the janitor to be, while holding such office, a special constable, and such special constable shall have the special duty of preserving the peace in the rooms of the library and in the building in which the library is situate, and of preventing stealing, injuring or destroying the property of the library, or any breach of the peace therein, and of apprehending offenders, and he shall have generally all the powers and privileges and be liable to all the duties and responsibilities which pertain to the office of a constable. 56 V., c. 36, s. 1.

Janitor may
be appointed
special con-
stable.

25.—(1) Every regulation or Order in Council made under this Act shall be laid before the Legislative Assembly forthwith, if the Legislature is in session at the date of such regulation or Order in Council, and if the Legislature is not in session such regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such regulation or Order in Council is made.

Regulations
and Orders in
Council to be
laid before the
Legislative
Assembly.

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said regulation or Order in Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such regulation or Order in Council, either wholly or of any part thereof, the regulation or Order in Council, so far as disapproved of, shall have no effect from the time of such solution being passed. R. S. O. 1887, c. 173, s. 31.

Agreements
continued.

26. Every free library established under *The Free Libraries Act*, and every mechanics' institute incorporated under the *Act respecting Mechanics' Institutes and Art Schools* is hereby continued and shall be called a Public Library, and all agreements, contracts and appointments to office, and all obligations incurred by the board of management of a free library or by the directors of any corporation heretofore known as a mechanics' institute existing when this Act comes into force, shall be subject to the provisions of this Act.

Rev. Stat.,
cc. 173, 189,
repealed.

27. The *Act respecting Mechanics' Institutes and Art Schools*, and *The Free Libraries Act*, and the amendments thereto, are repealed.

SCHEDULE A.

We, the subscribers hereto, hereby declare our intention to establish a public library at _____ in the township of _____, and we further declare that the name of _____ the corporation shall be the _____ public library, and we do hereby apply for incorporation as provided by *The Public Libraries Act, 1895*.

(Then follow the names and descriptions of the applicants.)

SCHEDULE B.

FORM A.

(Petition.)

To the municipal council of _____

We the undersigned electors of the said city of _____ *(or as the case may be)*, respectfully pray that a public library may be established in this municipality under *The Public Libraries Act, 1895*. R. S. O., 1887, c. 189, sch. form A.

FORM B.

By-law for establishing a Public Library with the assent of the electors.

A by-law to provide for the establishment of a public library in the city of _____ *(or as the case may be)*.

Whereas _____ electors have petitioned the council of the said city of _____ *(or as the case may be)*, praying for the establishment of a public library under *The Public Libraries Act, 1895*.

Be

Be it therefore enacted by the said municipal council of the said city of _____ (or as the case may be), that, in case the assent of the electors is given to this by-law, a public library be established in this municipality in accordance with the provisions of *The Public Libraries' Act*.

And be it further enacted that the votes of the electors be taken on this by-law on the _____ day of _____, 18____, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places : *(Here insert (1) the ward; (2) the polling subdivision; (3) the place for holding the poll and the name of the deputy returning officer.)*

That on the _____ day of _____ next, at his office in the _____ at _____ o'clock in the _____ noon, the _____ (mayor, reeve, or as the case may be,) shall appoint in writing, signed by him, two persons to attend to the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passage of this by-law.

That the clerk of the said municipal corporation shall attend at the _____ at the hour of _____ o'clock in the _____ noon on the _____ day of _____ 18____, to sum up the number of votes given for or against the by-law.

Notice by Clerk.

The above is a true copy of a proposed by-law which will be taken into consideration by the council of _____ after one month from the _____ day of _____ 18____, being the date of the first publication thereof, and the polls for taking the votes of the electors will be held at the hour, day and place named in the said by-law. R. S. O., 1887, c. 189, sch. form B.

FORM C.

By-law for the issue of Public Library Debentures where the assent of the electors is not required.

A by-law authorizing the issue of debentures for the purpose of a public library.

Whereas a by-law of the municipal council of the city of _____ (or as the case may be) was passed on the _____ day of _____ establishing a public library in this municipality under *The Public Libraries' Act, 1895*.

And whereas a sum of \$ _____ is required for the purposes of acquiring a site, erecting buildings, etc. (as the case may be) for the said public library, as appears by the special estimate for _____

The corporation of _____ promise to pay the bearer
or _____ in _____ the sum of \$ _____ on
the _____ day of _____ A.D. _____ and the
half-yearly coupons hereto attached, as the same shall sever-
ally become due.

A. B.,
Mayor (*or as the case may be*).

C. D.,
Treasurer.

[L.S.]

R. S. O, 1887, c. 189, sch. form D.

CHAPTER 46.

An Act to amend The Municipal Light and Heat Act.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.
191 amended,
"gas" to
include
"natural gas."

1. Wherever the word "gas" is used in *The Municipal Light and Heat Act*, the said word shall be deemed and construed as including natural gas, and all the powers conferred by the said Act upon municipal corporations in regard to the manufacture of gas shall be deemed and taken to be conferred on such corporations for mining for and winning from the earth, natural gas.

CHAPTER 47.

The Assessment Amendment Act 1895.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 2 of section 7a of *The Consolidated Assessment Act, 1892*, is amended by inserting in the tenth line thereof immediately after the words "waterworks," the following words: "whether for domestic use or for fire protection or both," and by inserting after the word "improvements" in the fourteenth line thereof, the words "or any of them." 55 V. c. 48,
ss. 7a, sub-s. 2,
amended.

2. Sub-section 1 of section 27 of the said Act is amended by striking out the words "in case the council so directs" in the sixth and seventh lines thereof, and by striking out the words "in cities and" in the seventh line thereof, and by inserting the word "cities" after the words "acres in" in the eighth line thereof, and by inserting after the word "exceeds" in the eighth line thereof the words "two acres in cities and." 55 V. c. 48,
ss. 1, sec. 27,
amended.

3. Sub-section 1 of section 52 of the said Act is amended by adding thereto the following: "Provided nevertheless, that in cities containing a population of 30,000 or more, the assessment may be made between the 1st day of May and the 30th day of September, but this proviso shall not affect section 13 of chapter 82, of the Acts passed in the 54th year of Her Majesty's reign." 55 V. c. 48,
s. 52, s.-s. 1,
amended.

4. Section 76 of the said Act is amended by inserting "\$75" in lieu of "\$50" in the 8th line thereof, and by inserting in the 19th line thereof after the word "heard" the following words, "and the judge or acting judge of the county court of the county whose county town is the next nearest to the court house where the said appeal will be heard," and by substituting for the words "the said judge" in the 20th line the words "the said judges," and by striking out the words "judge or" in the thirtieth line of the said section. 55 V. c. 48,
s. 76, amend-
ed.

55 V. c. 48, s.
67, sub-s. 4,
repealed.

5. Sub-section 4 of the said section is repealed, and the following substituted therefor: (4) When three judges hear the appeal the decision of the majority shall prevail.

55 V. c. 48, s.
76, sub-s. 5,
repealed.

6. Sub-section 5 of the said section is repealed and the following substituted therefor:

Payment of
travelling ex-
penses of
county judges

(5) The clerk with whom any money is deposited to pay the travelling expenses as aforesaid, shall pay out of the moneys so deposited, upon requisition by the judges respectively, such sums as the said judges shall certify to him as their respective travelling expenses in connection with the said appeal, and shall repay the balance, if any, to the person or corporation who deposited the same, and each of the said outside judges shall be entitled to be paid a sum not exceeding five dollars per day for their services, the sum so paid to them to be part of the costs of the appeal and payable by such party as the majority of the judges hearing the appeal shall determine.

55 V. c. 48,
s. 124, sub-s.
1, amended.

7. Sub-section 1 of section 124 of the said Act is amended by adding thereto the following:

Goods in
possession of
warehouse-
man not
to be seized
for taxes.

Provided nevertheless that no goods which are in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes; and provided further that goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding up order shall be liable only for the taxes of the assignor or of the company being wound up and the taxes upon the premises in which the said goods were at the time of the assignment or winding up order, and thereafter while the assignee or liquidator occupies the premises or the goods remain thereon.

Goods in
possession of
assignee or
liquidator not
to be seized
for taxes.

55 V. c. 48,
s. 143, sub-s.
2, amended.

8. Sub-section 2 of section 143 of the said Act is amended by striking out the words "1st day of July" in the second line thereof, and substituting therefor the words "15th day of September."

55 V. c. 48,
amended.

9. The said Act is amended by adding thereto the following sections:—

Assent of
ratepayers
not required
to by-laws
for issuing
debentures on
non-resident
land fund.
Application
of proceeds
of debentures
issued on
credit of
non-resident
land fund.

216a. It shall not be necessary to procure the assent of the ratepayers before the passing of the by-law authorized by section 215.

216b. The council may by by-law direct that all moneys received by the county treasurer from the proceeds of the sale of such debentures shall be paid in such manner and at such times, as may be directed by such by-law to such municipality or municipalities, as to the council may seem proper, provided that the whole sum, ordered by such by-law to be paid to any such municipality, shall not exceed two-thirds of all arrears,

at

at the date of the passing of such by-law, due and accruing upon the lands in such municipality, together with such other sums as may be in the county treasurer's hands, or otherwise invested to the credit of the said fund received from and on account of the taxes due upon the lands in such municipality.

216c. The treasurer shall pay the proceeds of the sale of said debentures to such municipality or municipalities within the county as may be directed by such by-law. Paying over proceeds of debentures.

CHAPTER 48.

An Act for the Prevention of Fraud in the Sale of Fruit.

[Assented to 16th April, 1895.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Penalty.

1. Every person who with intent to defraud:

Altering or defacing marks.

(a) Alters, effaces, obliterates, or covers wholly or partially, or causes to be altered, effaced, obliterated or covered, any packer's marks made on any article in which any fruit is offered for sale, or

Counterfeiting marks.

(b) Counterfeits any such marks or brands or writes the same on any such article, after the same has been once marked, or

Using marked article improperly.

(c) Empties or partially empties any such marked article, in order to put into the same any other fruit (of the same or any other kind) not contained therein at the time of the original marking, or

Using article previously marked.

(d) Uses for the purposes of packing fruit, any article bearing marks previously made by any other packer, or

Makes false marks.

(e) Falsely states the grade of fruit packed in the article marked or the name or address of the packer or the weight or measure of the fruit so packed,

Shall be liable on summary conviction therefor to a fine of not less than \$1 or more than \$5 and costs.

Packing so as to conceal defects in fruit.

2. Every person who shall knowingly and with intent to defraud so place or arrange apples, pears, plums, peaches, nectarines, cherries, grapes, apricots or berries of any description whatever, in any box, crate, barrel, basket, or other article, for delivery to any other person in such a manner as to conceal defects in size or quality in any portion of such fruit by covering the same with fruit of larger size or better quality or otherwise shall be liable on summary conviction therefor to a penalty of not less than \$1 nor more than \$5 and costs.

3. Every person receiving fruit of any kind mentioned in the preceding section for sale in bulk on commission, shall, when requested to do so by the consignor in writing furnish the said consignor within one week after receiving notice or after disposing of the fruit as may be requested with a written detailed statement in regard to the sale or disposal of the same giving the price or prices received therefor and the names and addresses of the purchasers.

Consignee to notify consignor of particulars of sales.

4. No prosecution or conviction under this Act shall be a bar to any proceeding for the recovery of penalties which may be imposed under any other Act, nor to any action for the recovery of damages which may be brought by any person injured or defrauded by the sale of fruit in violation of the provisions of this Act, but all such penalties may be recovered, and all such actions may be brought in the same manner as if this Act had not been passed.

Prosecution not to bar other proceedings.

CHAPTER 49.

An Act to make further provision for the Public Health.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Public Health Act 1895*.

Rev.Stat.
c. 205, s. 39,
repealed.

2. Section 39 of *The Public Health Act* is repealed and the following section and sub-sections are substituted therefor:

Local boards
of health in
townships and
villages.

39.—(1) There shall be a local board of health in each township and incorporated village to be composed of the reeve, clerk and three ratepayers, to be appointed by the municipal council in the following manner: One member to be appointed for three years, one member for two years and one member for one year, each member retiring to be replaced by a member appointed for three years from the date of his appointment.

Local board
of health in
towns of less
than 4,000.

(2) There shall be a local board of health in each town containing less than four thousand inhabitants according to the municipal enumeration of the previous year, to consist of the mayor, clerk and three ratepayers, to be appointed by the municipal council as follows: One member to be appointed for three years, one member for two years and one member for one year, each member retiring to be replaced by a member appointed for three years from date of appointment.

Local boards
of health in
cities and
towns of more
than 4,000.

(3) There shall be a local board of health for each city and for each town containing more than four thousand inhabitants, according to the municipal enumeration of the previous year, to consist of the mayor and six ratepayers, to be appointed by the municipal council as follows: Two members to be appointed for three years, two members for two years and two members for one year, the retiring members to be replaced by two members appointed for three years from date of appointment.

3. Section 30 of the said Act is hereby repealed and the following section and sub-sections substituted therefor: Rev. Stat. c. 205, s. 30, repealed.

30.—(1) Wherever the establishment of a public water supply is contemplated by the council of any city, town or village, it shall be the duty of the said municipal council to submit to the Provincial Board of Health, together with the plans, an analysis of the water from the proposed source or sources of supply, and an affidavit stating that the water analysed is taken from the proposed source and that the analysis submitted to the Board exactly represents the conditions of the sample examined. In case the source of any proposed public water supply, does not in the opinion of the Provincial Board of Health, meet the sanitary requirements of the municipality, either by reason of the quality of the water, or because the water is likely, owing to the situation of the proposed source of supply, to become contaminated, it shall not be lawful to establish such waterworks without first obtaining from the Provincial Board of Health a certificate signed by the chairman and secretary stating that the proposed source is the best practicable, having regard to all the circumstances of the case, and that all proper measures have been taken to maintain the supply in the highest possible and practicable state of purity. Approval of Provincial Board to establishment of public water supply.

(2) Whenever the construction of a common sewer or of a system of public sewerage shall be contemplated by the council of any city, town or village, it shall be the duty of the said council to place itself in communication with the Provincial Board of Health, and to submit to the Board before their adoption all plans in connection with said sewer or sewerage system. It shall be the duty of the Provincial Board of Health to enquire and report upon said sewer or system of sewerage, as to whether such is calculated to meet the sanitary requirements of the inhabitants of the said municipality; and as to whether such sewer or system of sewerage is likely to prove prejudicial to the health of the inhabitants of the said municipality or of any other municipality, liable to be affected thereby. Approval of Provincial Board to establishment of sewerage system.

(3) The Provincial Board of Health may make any suggestions or amendments concerning the plans submitted or may impose any conditions with regard to the construction of such sewer or system of sewerage or the disposal of sewage therefrom as it may deem necessary or advisable in the public interest; and the construction of any common sewer or system of sewerage shall not be proceeded with without being reported upon and approved of by said Provincial Board of Health, and no change in the construction thereof or in the disposal of sewage therefrom liable to injuriously affect the public health shall be made without previous submission to and approval of said Board. Amendment of plans at instance of provincial board of health.

Appeal from
board to Lieu-
tenant-Gov-
ernor in
Council.

(4) The decision or report of the Provincial Board of Health with regard to any system of water supply or any common sewer or public system of sewerage or the disposal of sewage therefrom shall be subject to appeal to the Lieutenant-Governor in Council, such appeal to be made within one month after the filing of the report or decision in the office of the minister of the department to which the Provincial Board of Health is attached; and such decision or report, when not so appealed against, or when confirmed or amended and confirmed upon appeal by the Lieutenant-Governor in Council, shall be binding and conclusive upon all the municipalities and persons affected by the same; provided always that whenever it shall appear that any change of circumstances or conditions has arisen the Provincial Board of Health may, if it deem it advisable, make further enquiry and report as to any system of water supply or common sewer or system of sewerage or the disposal of sewage, which report shall be subject to appeal as aforesaid and have the same force and effect as aforesaid.

Modification,
etc., of award.

(5) The said Board may from time to time modify or alter the terms and conditions as to the disposal of sewage imposed by any award authorizing any system of sewerage or the extension of a sewer, and their report or decision shall be subject to appeal as aforesaid and have the same force and effect as aforesaid. But this shall not entitle the board to modify or alter the terms and conditions of a certain award dated the 5th day of March, 1895, made by Judge Ketchum in the matter of reference between the corporation of the town of Peterborough and the corporation of the township of North Monaghan until after the expiration of the 5 years therein mentioned, but this provision as to the said award is only to apply in case the award is held by the court to be in point of law a valid award.

Rev. Stat.
c. 205, s. 99,
amended.

4. Section 99 of the said Act is amended by adding thereto the following sub-section:

Feeding cer-
tain things to
hogs.

(8) Whenever any medical health officer, sanitary inspector or other health officer of the Board of Health knows or has reason to believe that blood, offal or the meat of any dead animal which has not been previously boiled or steamed when fresh or before becoming putrid or decomposed, or which, although boiled or steamed, is putrid or decomposed, has been or is being fed to hogs, he may summon the owner, the person in charge, or any person found feeding the same, before a justice of the peace for violation of the provisions of this section; and whenever such blood, offal or decomposed flesh is found on any premises the burden of proof that it was not intended to be so fed shall rest with the person charged. Should the charge be proven, the health officer making the charge may seize and carry away, or cause to be seized and carried away,

the animals, whether dead or alive, to which the aforesaid blood, offal or unboiled or putrid meat has been fed, in order that the said animals may be destroyed or so disposed of as to prevent them from being exposed for sale or use for food for man.

5. Section 61 of the said Act is amended by inserting the following words after the word "district" in the fourth line: Rev. Stat. c. 61, amended.
"affected thereby, may institute an inspection, and when necessary."

CHAPTER 50.

An Act to make further provision respecting
Factories.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

Short title.

1. This Act may be cited as *The Factories Amendment Act, 1895*.

Boys or girls
under 14 not
to be em-
ployed.

Rev. Stat. c.
203.
52 V. c. 43.

2. No boy or girl under 14 years of age shall be employed in any factory; except in the business of canning or desiccating fruits and vegetables and the work incidental thereto, as provided for in sub-section 6 of section 6 of *The Ontario Factories Act*, as amended by section 4 of *The Ontario Factories Amendment Act, 1889*.

Rev. Stat. c.
203, s. 15,
sub-s. 1,
amended.

3. Sub-section 1 of section 15 of *The Ontario Factories Act* is repealed and the following is substituted for the said sub-section.

Guarding
dangerous
places.

(1) All dangerous parts of mill gearing, machinery, vats, pans, caldrons, reservoirs, wheel-races, flumes, water channels, doors, openings in the floors or walls, bridges, and all other like dangerous structures or places shall be as far as practicable securely guarded.

Persons occu-
pying same
premises and
employing
five or more
persons.

4. Where two or more persons occupy or use the same room or premises for carrying on any work or business within the meaning of the Factories Acts, and employ in the aggregate six persons or more, no one of such persons employing so many as six, each of the several employers shall be held responsible for providing proper and sufficient water-closets and the other requirements set forth in the 11th and 12th sections of *The Ontario Factories Act*; which said sections shall apply to each and every of such employers as if they were partners in all the work or business of the said room or premises.

5.—(1) Besides the present requirements as to fire-escapes, there shall, in the case of factories over two stories in height, be provided in every room which is above the ground floor, or in so many of the rooms above the ground floor as the inspector shall in writing certify to be in his judgment sufficient, a wire or other rope for every window in the room, or for as many windows in the room as the inspector shall certify in writing to be sufficient.

Prevention of accidents by providing ropes.

(2) Every such rope shall be not less than three-quarters of an inch in thickness, and of sufficient length to reach from the room in which it is kept to the ground below, and every such window of every room is to be provided with proper, convenient and secure fastenings and appurtenances to which one end of the rope may be safely secured or fastened.

(3) The said wire or other ropes are to be kept in a coil or other convenient position in the room.

6. In addition to the particulars mentioned in the first sub-section of section 15 of the said *Ontario Factories Act*, and thereby required to be securely guarded, any other particulars which any inspector shall from time to time consider dangerous, and shall give notice to that effect to the employer, shall likewise as far as practicable be secured as in the sub-section mentioned.

Notice from inspector as to precaution against accidents.

7. In case of a fire or accident in any factory occasioning any bodily injury to any person employed therein, whereby he is prevented from working for more than six days next after the fire or accident, a notice shall be sent to the inspector in writing by the employer forthwith after the expiration of the said six days, and if such notice is not so sent the employer shall be liable to a fine not exceeding \$30.

Notice of accident to be given to inspector.

8. In case of an explosion occurring in a factory whether any person is injured thereby or not, the fact of such explosion having occurred shall be reported to the inspector in writing by the employer within twenty-four hours next after the explosion takes place. And if such notice is not so sent, the employer shall be liable to a fine not exceeding \$30.

Notice of explosion.

9. Where in a factory any person is killed from any cause, or is injured from any cause, in a manner likely to prove fatal, written notice of the accident shall be sent to the inspector within twenty-four hours after the occurrence thereof, and if such notice is not so sent, the employer shall be liable to a fine not exceeding \$30.

Notification of death or fatal injury.

10. The Lieutenant-Governor in Council may from time to time appoint a female inspector for the purpose of carrying out the said Acts and this Act, in addition to the other inspectors by law directed.

Female inspector.

Limitation of prosecutions. **11.** The time for laying an information in respect of offences and fines under the said Acts or this Act shall be within two months, or where the offence is punishable at discretion by imprisonment, within three months, after the offence has come to the knowledge of the inspector.

Prohibiting employment of girls under 18 and boys under 16. **12.** The Lieutenant-Governor in Council may from time to time by Order in Council, notice of which shall be published in the *Ontario Gazette*, prohibit the employment of girls under the age of eighteen, and of boys under the age of sixteen in factories, the work in which is deemed by the Lieutenant-Governor in Council to be dangerous or unwholesome.

Rev. Stat. c. 208 ; 52 V. c. 43, schedule A, amended. **13.** Schedule A, substituted for the schedule to *The Ontario Factories Act* by *The Ontario Factories Amendment Act 1889*, passed in the 52nd year of Her Majesty's reign, chapter 43, is amended by inserting therein the words "bakehouses and bakeshops."

Rev. Stat. c. 208, s. 6, sub-s. 2, ss. 18, 19 and s. 38, sub-s. 1 repealed. **14.** The following sections and sub-sections of *The Ontario Factories Act* are hereby repealed, namely :

Sub-sections 1 and 2 of section 6 ; and

Sections 18 and 19.

Sub-section 1 of section 38.

Act to be read with Rev. Stat. c. 208, etc. **15.** This Act and the said Acts hereinbefore mentioned shall be read and construed as one Act.

Commencement of Act pending litigation. **16.** This Act shall come into force on the first day of July next, and shall not affect or apply to litigation or claims pending at the time it shall take effect.

CHAPTER 51.

An Act for the further Protection of persons employed in Places of Business other than Factories.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In case a municipal council fails for 90 days after an application in writing is made to the council by 50 electors of the municipality requesting the council to appoint inspectors, or authorize persons to act as inspectors for the enforcement of the Act passed in the 55th year of Her Majesty's reign, intituled, *An Act for the Protection of Persons employed in Places of Business other than Factories*, the Lieutenant-Governor in Council may appoint two inspectors at the expense of the municipal corporation, and fix their salaries, and the corporation shall pay the same.

In default of appointment of inspectors by municipal councils under 55 V. c. 54, s. 5, Lieutenant-Governor may appoint.

2. Any inspector so appointed by the Lieutenant-Governor in Council shall hold office during the pleasure of the Lieutenant-Governor in Council; and on a vacancy occurring in the case of an inspector appointed by the Lieutenant-Governor in Council, unless such vacancy be filled by the municipal council within 90 days after such vacancy arises, the Lieutenant-Governor in Council may make an appointment to fill such vacancy.

Tenure of office of inspector.

3. The application shall be deemed to be made on the day of the same being delivered to the mayor or other chief officer of the corporation, or to the clerk of the council, or at the office of such clerk to a grown-up person in his employment or in the employment of the council.

When application to council to be deemed to have been made.

4. One of the persons appointed or authorized by the municipal council, or by the Lieutenant-Governor in Council, shall be a woman.

Female inspector.

Rules and
regulations.

5. In case the Lieutenant-Governor in Council finds or deems it necessary, the said Lieutenant-Governor in Council may make rules and regulations for the enforcement of the said Act and the duties of the inspectors, whether the inspectors or acting inspectors are appointed by the municipal council or by the Lieutenant-Governor in Council; and any rules and regulations so made shall take precedence of any municipal rules and regulations inconsistent therewith.

Act to be read
with 55 V.
c. 54.

6. This Act and the said other Acts hereinbefore mentioned shall be read and construed as one Act as nearly as may be.

CHAPTER 52.

An Act for the further protection of Children.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding provisions to the contrary in any Act contained, and notwithstanding the provisions of any by-laws, rules or regulations for the government or control of any duly incorporated orphanage, children's home, infants' home or industrial school, it shall be lawful for the trustees or governing body of such orphanage or children's home, or infants' home or industrial school to take advantage of the provisions of section 15 of the *Act for the Prevention of Cruelty to and Better Protection of Children* by transferring, from time to time, children under their care to the Superintendent or to the children's aid society in the locality of such orphanage or home, to be placed out by the Superintendent or by such children's aid society in pursuance of the provisions of the said Act, and in such case it shall be the duty of the visiting committee to visit any child so placed out, as by the said Act provided, and in all respects such child shall be treated as having been placed out and shall continue subject to the provisions of the said Act. Transferring children from care of certain institutions to children's aid societies. 56 V. c. 45.

2. Section 1 of the said Act is amended by inserting at the end of the thirty-seventh line of the said section the words "or two justices of the peace acting together." 56 V. c. 45, s. 1 amended.

3. Subsection (3) of section 6 of the said Act is hereby amended by striking out the words "in pursuance of this section," in the third line of the said subsection, and inserting in lieu thereof the words "under this Act," and by striking out all the words of the said subsection after the words "relation to" in the sixth line thereof and inserting in lieu thereof the words "the procedure of societies operating under the provisions of this Act." 56 V. c. 45, s. 6, sub.-s. 3. amended.

4. Paragraph (a) of section 9 of the said Act is amended by adding thereto the following words: "and to have and exercise by virtue of his office the powers conferred upon children's aid societies" 56 V. c. 45, s. 9 amended.

societies in municipalities where no such society exists, with power from time to time to appoint, subject to the approval of the Minister, any person or committee to act for him as occasion may require."

56 V. c. 45, s.
10, sub.-s. 1
amended.

5. Sub-section (1) of section 10 of the said Act is amended by striking out the words "between the ages of three and fourteen years" in the first and second lines thereof, and substituting the words "entirely distinct and separate" for the words "distant not less than one-half mile," in the fifth and sixth lines thereof.

56 V. c. 45, s.
11, sub.-s. 1
amended.

6. Sub-section 1 of section 11 of the said Act, is amended by striking out the words "not less than three," in the third line thereof, and substituting therefor the words "or more, not less than half."

56 V. c. 45, s.
13 amended.

7. Section 13 of the said Act is amended by inserting after the word "years" in the ninth line thereof the words "if a boy, or sixteen years if a girl."

56 V. c. 45, s.
14 amended.

8. Section 14 of the said Act is amended by adding after the word "examination" in the third line the words "within one week after such apprehension."

56 V. c. 45, s.
16 repealed.

9. Section 16 of the said Act is repealed and the following substituted therefor:

Enquiry as to
health of
children re-
ceived by
societies.

16. Every society or institution receiving the care or control of a child under the provisions of this Act shall make enquiry into the condition of health of the child so received, and if it be found to be suffering from any disease or bodily infirmity, due provision shall be made for the temporary care or disposal of such child with a view to guarding against its continued ill-health or the spread of any infectious or contagious malady

56 V. c. 45, s.
17, sub.-s. 2
amended

10. Sub-section 2 of section 17 of the said Act is amended by inserting the words "or the superintendent, with the Minister's approval" after the word "judge" in the first line thereof.

56 V. c. 45, s.
31 amended.

11. The following is added to section 15 of the said Act as sub-section (3) thereof:

Children not
to be taken
into homes
for adult
persons.

(3) No child between the ages of 2 and 16 years shall be received or boarded in any house or institution established for the reception and care of paupers or other dependent adults. This subsection shall take effect from and after the first day of July, 1895.

12. Section 1 of the *Act respecting the Industrial Refuge for Girls*, is amended by striking out the last two words in the said section and substituting therefor the words "sixteen and over the age of thirteen."

Rev. Stat. c.
240, s. 1
amended.

13. It shall be unlawful for any person to induce any child to leave the building or premises of any duly incorporated boys' or girls' home or orphans' home or asylum or children's or infants' home inspected by the Inspector of Prisons and Charities, and in respect of which aid is paid out of the funds of the Province under the provisions of *The Charity Aid Act*, or to attempt to induce such child to leave or quit any service or apprenticeship or any place in which or where the said child has been or may be lawfully placed for the purpose of being nursed, supported, educated or adopted, or to induce, or attempt to induce any child to break any articles of apprenticeship or agreement which have been or may be lawfully entered into by or with the authority of the trustees or directors or governing body of any such home or asylum respecting any such child, or to detain or harbor any such child after demand made by or on behalf of any officer of any of such institutions for delivery up of such child; and any person who shall violate the provisions of this section shall be liable, upon summary conviction before a justice of the peace, to a fine not exceeding \$20 and costs, and, in default of payment thereof, to imprisonment not exceeding thirty days.

Taking
children out
of custody of
charitable
institutions.

Rev. Stat. c.
248.

Penalty.

(2) No parent or guardian or other person, who by instrument in writing has heretofore surrendered or may hereafter surrender the custody of a child to any of the charitable institutions mentioned in the next preceding sub-section hereof shall thereafter, contrary to the terms of such instrument, be entitled to the custody of or any control or authority over or any right to interfere with any such child.

Parents
surrendering
custody of
children to
charitable
institutions.

(3) Provided, however that any parent or guardian claiming that a child is improperly and unjustly detained by any of the charitable institutions in this section referred to or any other person believing that in the case of any child in any of the said institutions a real grievance or just cause of complaint exists, may make complaint to the judge or superintendent, and the judge or, with the minister's approval, the superintendent may make such order as to the disposition of the child as, having regard to the welfare of the child, may under all the circumstances of the case appear to be just and reasonable.

Proviso.

14. The words "the said Act" wherever they occur in this Act mean *The Act for the prevention of cruelty to and better protection of Children*, chapter 45, of the Acts passed in the 56th year of Her Majesty's reign, and this Act will be read with and form a part of the said Act.

CHAPTER 53.

An Act to amend The Line Fences Act.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.
c. 219, sec. 11,
amended.

1. Section 11 of *The Line Fences Act* as amended by the Act passed in the 52nd year of Her Majesty's reign, chaptered 48, is hereby further amended by striking out the word "may" in the first line of sub-section (2) of said section and inserting the word "shall" in lieu thereof.

CHAPTER 54.

[Assented to 16th April, 1895.]

An Act to amend The Ditches and Watercourses Act
1894.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 7 of *The Ditches and Watercourses Act 1894*, is 57 V. c. 55, amended. amended by adding thereto the following: " Provided nevertheless that in case of omission to file such declaration through inadvertence or mistake at the time aforesaid the judge may in case of such ownership at said time permit the same to be filed at any stage of the proceedings upon such terms and conditions as he may impose or direct.

2. Section 36 of *The Ditches and Watercourses Act, 1894*, 57 V. c. 55, s. 36, amended. is amended by adding at the end thereof the following proviso :—

" Provided that should any ditch, after its construction, prove insufficient for the purposes for which it was constructed so as to cause an overflow of water upon any lands along the said ditch and has caused damage to the same, any owner party to the award may at any time after the expiration of six months from the completion of the ditch take proceedings as aforesaid for the reconsideration of the agreement or award under which such ditch was constructed for the purpose of remedying the defect in that particular respect. This proviso shall apply only to that portion of the Province lying east of the county of Frontenac." Reconsideration of award.

3. This Act shall be read with and as part of *The Ditches and Watercourses Act, 1894*. Act incorporated with 57 V. c. 55.

CHAPTER 55.

[Assented to 16th April, 1895.]

An Act respecting certain County Drainage Works.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issuing debentures for completion of county drainage works commenced before 57 V. c. 56.

1. Notwithstanding anything contained in *The Drainage Act, 1894*, any by-law passed prior to the time when the said Act took effect, by the council of any county or union of counties for the assessment of the cost of any drainage work upon the lands and roads liable to contribute therefor which has been acted upon by the doing of the work in whole or in part and which does not provide sufficient funds to complete the drainage work, or the share of the said county or union of counties in the cost thereof, or does not provide sufficient funds for the redemption of the debentures issued under such by-law, as they became payable, may from time to time be amended by the council and further debentures issued under the amending by-law in order to fully carry out the intention of the original by-law, provided that every such drainage work shall, when fully completed, be maintained as provided in section 70 of the said *The Drainage Act, 1894*.

57 V. c. 56.

Publication of by-law.

Rev. Stat. c. 37 to apply to debentures.

2. It shall be in the discretion of the council whether such amending by-law shall be published or not, and the provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of the preceding section, which shall hereafter be purchased by direction of the Lieutenant-Governor in Council.

57 V. c. 56, s. 105 repealed.

3. Section 105 of *The Drainage Act, 1894*, is repealed, and the following substituted therefor:

Evidence take before referee need not be filed or written out.

105. In cases brought before the referee in pursuance of the powers conferred by this Act, or by any other Act, the evidence taken before him need not be filed, and shall only be written out at length by the shorthand writer, if required by the referee or by any parties to the reference, and if required by any of the parties to the reference, copies shall be furnished upon such terms as shall be fixed by the Lieutenant-Governor in Council.

Act incorporated with 57 V. c. 56.

4. This Act shall be read with and as part of *The Drainage Act, 1894*.

CHAPTER

CHAPTER 56.

[Assented to 16th April, 1895.]

An Act to amend The Ontario Game Protection Act 1893.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of *The Ontario Game Protection Act 1893*, is 56 V. c. 49, amended. amended by striking out the words “twentieth day of October” wherever they occur in the said section and inserting the words “first day of November” in lieu thereof, and by striking out the year “1895” wherever the same occurs in the sub-section of the said section and inserting in lieu thereof “1900.”

2. Section 6 of the said Act is amended by adding thereto 56 V. c. 49, s. 6, amended. the following sub-section:—

(2) But any person not a resident and domiciled in the Province who has for any year been granted a license under the provisions of section 14 of this Act and paid the fee therefor, shall so far as the authority of the Legislature of the Province of Ontario extends, be at liberty to export out of the Province the two deer which under the provisions of this Act he is allowed to kill. Persons licensed may export two deer.

3. Sub-section 2 of section 12 of the said Act is amended by 56 V. c. 49, s. 12, sub-s. 2, amended. inserting after the words “this section” in the second line thereof the words, “and the commissioners appointed under the provisions of section 11.”

4. Sub-section 3 of the said section 12 is amended by inserting after the word “wardens” in the first line thereof, the words “and the said commissioners” and by inserting the words “or commissioners” after the word “wardens” in the second line of the form of oath given in the said last mentioned sub-section, and by inserting the words “or commissioner” after the words “or game and fish warden” in the 6th line of the said form of oath. 56 V. c. 49, s. 12, sub-s. 3, amended.

56 V. c. 49,
s. 12, amended.

5. The said section 12 is amended by adding thereto the following sub-section :—

Deputy game
wardens to be
constables.

“(4) Persons duly appointed deputy game wardens under the provisions of this section shall be, and exercise the authority of constables for the purposes of this Act.”

56 V. c. 49,
sec. 3, sub-s. 3
repealed.

6. Sub-section 3 of section 3 of *The Ontario Game Protection Act, 1893*, is repealed

57 V. c. 57, s.
3, amended.

7. Section 3 of *An Act to amend the Ontario Game Protection Act, 1893*, being chapter 57 of the Acts passed in the 57th year of Her Majesty's reign, is amended by striking out all the words after the word “believe” in the last line thereof and inserting in the place thereof the following words: “Had been theretofore put, bred or imported by some other person upon his own lands with the desire to breed and preserve the same.”

Rondeau
Provincial
Park.

8.—(1) No person shall at any time shoot, hunt, take or kill any partridge, prairie fowl, quail, woodcock, snipe, wild turkey or other bird or fowl whatsoever within the boundaries of the Rondeau Provincial Park; nor shall anyone shoot, hunt, trap, take or kill any wild animal in the said park, except foxes, skunks, weasels, owls, hawks or other noxious animals or birds, and then only with the consent and authority of the ranger of the said park in writing first had and obtained. Anyone offending against the provisions of this section shall be liable for each offence to a fine not exceeding \$50 and not less than \$20, together with costs of prosecution, to be recoverable in the same manner as under section 21 of *The Ontario Game Protection Act, 1893*.

56 V. c. 49.

(2) This section shall not prevent or apply to the shooting or taking wild duck or geese in the waters around and along the coasts of the said park during the lawful season.

Act incor-
porated with
56 V. c. 49.

9. This Act shall be read with and as part of *The Ontario Game Protection Act, 1893*.

CHAPTER 57.

[Assented to 16th April, 1895.]

An Act to amend the School Laws.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Sub-section 5 of section 14 of *The High Schools Act, 1891*, is repealed and the following substituted therefor:— 54 V. c. 57, s. 14, sub-s. 5 repealed.

(5) To apply to the municipal council or councils liable under this Act on or before the 1st day of August, or at such other time as may be required by the municipal council for such sums of money as the board may require for the maintenance of the high school for the twelve months next following the date of such application, exclusive of all fees from pupils and other sources, and of appropriations from the Legislature and municipal council of the county; and for an additional sum as they may deem expedient for permanent improvements for the same period of time not exceeding five hundred dollars. Application to councils, how made.

2. *The High Schools Act, 1891*, is amended by adding 54 V. c. 57, amended. thereto the following section:—

29a.—The trustees of any high school district may, with the approval of a majority of the municipal council or councils composing the district, and of the Lieutenant-Governor in Council, sell, transfer or lease any site, territory or other property vested in them as a corporation, and after making provision for all debts and liabilities of the corporation, apply the residue of the proceeds of such sale, transfer or lease to any purpose that may be approved by the Lieutenant-Governor in Council, and on such sale, transfer or lease and disposition of assets as aforesaid, the Lieutenant-Governor in Council may, by proclamation in the *Ontario Gazette*, declare such corporation dissolved and determined. High school trustees may sell site.

3. Sub-section 1 of section 36 of *The High Schools Act, 1891*, is repealed and the following substituted therefor:— 54 V. c. 57, s. 36, sub-s. 1, repealed.

(1) All moneys which the municipal council is authorized to collect under the authority of this Act for permanent improvements shall be paid to the treasurer of the high school board on or before the 25th day of December of the year in which application Permanent improvements.

For main-
tenance.

application was made by the high school trustees for such moneys; all moneys which the municipal council is authorized to collect by assessment, or to raise by way of loan, or otherwise, for the maintenance of a high school shall be paid from time to time to the high school treasurer as the board may by requisition require.

54 V. c. 55, s.
81, amended.

4. Section 81 of *The Public Schools Act, 1891*, is amended by adding thereto the following sub-section:—

When part of
section is
added to city
or town.

(4) When part of any school section has been added to a city or town by order of the Lieutenant-Governor in Council, the municipal council in which such section is situated may pass a by-law for the re-adjustment of the boundaries of the remaining portion of such section, notwithstanding the passing of a by-law within five years affecting the limits of such section or adjoining sections.

54 V. c. 55, s.
107, amended.

5. Section 107 of *The Public Schools Act, 1891*, is amended by adding thereto the following sub-section:—

Manual train-
ing.

(14) To provide such facilities for industrial and manual training in the first four forms, and such instruction in needlework and domestic economy in all forms as they may deem expedient.

54 V. c. 55, s.
107, sub-s. 10,
amended.

6. Sub-section 10 of section 107 of *The Public Schools Act, 1891*, is amended by striking out the words "current year" at the end thereof and substituting the words "twelve months next following the date of such application."

54 V. c. 55, s.
109, amended.

7. Section 109 of *The Public Schools Act, 1891*, is amended by adding thereto the following sub-section immediately after sub-section 3 thereof.

Correcting
errors in col-
lections of
school rate in
former years.

(4) In all cases and at all times the municipal council shall have power, and it shall be their duty to correct in subsequent collections any errors or omissions that may have been made within the preceding three years in the collection of the school rate duly imposed or intended so to be, to the end that no property shall escape from its proper proportion of the rate and that no property shall be compelled to pay more than its proper proportion of such rate.

54 V. c. 55,
s. 110,
amended.

8. Section 110 of *The Public Schools Act, 1891*, is amended by adding thereto the following words: "and shall pay the same to the treasurer of the Public School Board from time to time as may be required by the board for teachers' salaries and other expenses."

9. Sub-section 3 of section 172 of *The Public Schools Act 1891*, is amended by striking out the following words in the 5th line thereof : "so much of the school rates of any such person as would be the equivalent of." 54 V. c. 55, s. 172, sub-s. 3 amended.

10. Section 172 of *The Public Schools Act, 1891* is amended by adding thereto the following as sub-section 3a : 54 V. c. 55, s. 172 amended.

(3a.) When the children attending a neighboring section are three miles or more distant in a direct line from the school-house in the section to which they belong, the trustees of the section in which such children are resident shall remit as much of the taxes chargeable upon the parents or guardians of such children, for school purposes, as would be at least equal to the fees paid to such neighboring section. Remission of school tax where certain fees paid.

11. Sub-section 8 of section 31 of *The High Schools Act, 1891* as amended by section 2 of an Act passed in the 56th year of Her Majesty's reign, intituled *An Act to amend The High Schools Act, 1891*, is amended by inserting after the words "high school purposes" in the third line, "except such county rate as may be levied for raising the equivalent of the Government grant as required by section 30 of this Act." 56 V. c. 52, s. 2 amended.

CHAPTER 58.

An Act to empower the University of Toronto to deal with certain Upper Canada College claims.

[Assented to 16th April, 1895.]

Preamble

WHEREAS, under chapter 231 of the Revised Statutes of Ontario (1887), as amended by an Act passed in the 51st year of Her Majesty's reign, chaptered 38, the Lieutenant-Governor in Council was authorized to transfer to the University of Toronto the site formerly occupied by Upper Canada College, situated on King street, in the city of Toronto, hereinafter called "the block"; and whereas by section 4 of the said first mentioned Act, as amended by section 2 of the said Act passed in the 51st year of Her Majesty's reign, chaptered 38, all the property heretofore vested in the crown, in trust, for Upper Canada College, subject to certain charges, for the purchase of a site and the erection and equipment of buildings for Upper Canada College and a permanent endowment of \$100,000 for the said college was to be appropriated for the use of the University of Toronto and University College, as the Lieutenant-Governor in Council might direct; and whereas the university has not deemed it expedient to sell said lands, and a further delay in making a sale is contemplated in the interests of the university; and whereas the said endowment of \$100,000 is unproductive, yielding no revenue or income for the benefit of Upper Canada College;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees of university may pay off charge of \$100,000 on lands of Upper Canada College.

1. The trustees of the University of Toronto, with the approval of the Lieutenant-Governor in Council, may pay to the trustees of Upper Canada College, in extinguishment and liquidation of the said charge of \$100,000, a sum of money equal to such sum as will represent the present value of the said sum of \$100,000, payable in seven years from the 1st day of April, 1895, the rate of interest at which the said present value is to be ascertained being fixed at four and one half per cent. per annum, payable half-yearly, which sum last mentioned shall be paid to the trustees of Upper Canada College on or before

before the 1st day of June next after the passing of this Act, and upon such payment the charge or lien of Upper Canada College upon the said block shall be discharged, and all claims of every kind and description of the said two institutions as against each other shall be deemed to be paid and extinguished ; and such lands shall continue to be vested in the crown as part of the endowment of the University of Toronto.

2. The trustees of Upper Canada College shall, out of the said sum so paid to them, discharge the present liabilities of Upper Canada College, including liabilities which shall accrue up to and including the 30th day of June next, and after payment thereof, or after making due provision for the payment thereof, the remainder of such sum shall form part of the permanent endowment of Upper Canada College, and shall be invested as the trustees of the college shall direct, subject to the approval of the Lieutenant-Governor in Council, and the income from such investments shall constitute part of the income fund of Upper Canada College.

Application of amount received by trustees of U. C. College.

3. The Lieutenant-Governor in Council may from time to time by order in council authorize the expenditure of any part of the permanent endowment by the trustees of Upper Canada College in the future maintenance and support of the college in the same manner as the income might be expended by the trustees.

Lieutenant-Governor may authorize other expenditure.

4. The trustees of the University of Toronto, with the approval of the Lieutenant-Governor in Council, may issue debentures chargeable upon the said block for the sum to be paid by them to the trustees of Upper Canada College, payable at such times and being in such form and upon such terms and regulations as may be directed by the Lieutenant-Governor in Council.

Issuing debentures of University to pay off charge.

5. Section 1 of chapter 63 of an Act passed in the 55th year of Her Majesty's reign is hereby repealed.

55 V. c. 63, s. 1 repealed.

CHAPTER 59.

An Act to amend The Industrial Schools Act.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpretation

Rev. Stat. c.
234.

1. In this Act the words "industrial school" shall mean a school certified by the Minister of Education under section 3 of *The Industrial Schools Act*. The words "industrial school board" shall mean the board of management of such certified industrial school, whether acting directly under powers conferred by the said Act, or under powers delegated pursuant to the said Act.

Authorizing corporations of cities and towns guaranteeing debentures issued, for industrial school purposes.

Proviso.

Proviso.

2. When the school board of any city or town has itself, or where any philanthropic society acting under powers delegated by the public or separate school board, has established an industrial school or schools, and for the purpose of the purchase of lands and the erection of the necessary buildings thereon has incurred a debt or debts, or is about to incur such debt or debts, and where such school board, or the philanthropic society aforesaid, is desirous of or has issued debentures for the purpose of paying such indebtedness, then such school board or the board of such philanthropic society may request the council of such city or town to endorse or guarantee such debentures, and the corporation of such city or town shall have the power and are hereby authorized to guarantee the debentures so issued, and such endorsement or guarantee shall have the same force and effect as debentures issued by such city or town for school purposes. Provided, first: That the amount of the debentures so issued shall not exceed sixty per cent. in value of the lands, buildings and improvements of such school board or philanthropic society held for industrial school purposes. Provided, secondly: That the corporation shall either take a mortgage on the said property in respect of which the debentures are issued themselves, or an assignment of an existing mortgage, or require a mortgage to be made to a trust corporation or other trustees as security for such debentures.

3. Any debenture debt incurred under section 2 of this Act by an industrial school board acting under powers derived from the public school board shall be a liability of the supporters of public schools, and likewise any debt incurred by an industrial school board acting under powers derived from a separate school board shall be a liability of the supporters of separate schools.

Debentures issued for public industrial schools to be supported by public school moneys.

4. Section 6 of *The Industrial Schools Act*, is hereby amended by adding at the end thereof the following words: "Any such school board may pay a per capita allowance to the industrial school board in lieu of providing such teachers such per capita allowance for each child taught, to be not less than the average cost per capita for each child attending the schools under the management of such school board in the then next preceding year, the number of children in the industrial school to be estimated as being the same number as during such next preceding year, and should such plan of payment be adopted, then all the powers of such school board as to hiring and discharging of teachers shall vest in the industrial school board.

Rev. Stat. c. 234, s. 6, amended.

School boards may pay a per capita allowance instead of furnishing teachers.

5.—(1) Every child now under the control of an industrial school board, or hereafter sent to an industrial school, shall, from the expiration of the period of his detention at such school, remain up to the age of 18 under the supervision of the industrial school board.

Children to be under supervision of industrial school board till 18.

(2) Such industrial school board shall have the same powers in respect of children under their supervision as are conferred upon such board by *The Industrial Schools' Act* in respect of other boys committed to said school.

Rev. Stat. c. 234.

6. The powers and duties heretofore conferred upon the inspector of prisons and public charities as to the inspection of industrial schools may be exercised and performed by the superintendent of neglected and dependent children.

Certain powers transferred to the superintendent of neglected and dependent children.

CHAPTER 60.

An Act respecting Aid to Charitable Institutions.

[Assented to 16th April, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Aid not to be granted in respect of paying patients under Rev. Stat. c. 248.

1.—(1) Notwithstanding anything contained in *The Charity Aid Act*, no institution named, or which heretofore has been, or hereafter shall be taken as named in schedule A to the said Act, shall be entitled to receive aid from the public funds or moneys of the Province in respect of paying patients admitted to, or being within, such institution.

Who to be deemed paying patients.

(2) Every person admitted to, or being within, such institution for treatment shall, for the purposes of this Act, be taken as a paying patient who pays, or for whom there is paid, to such institution from any source other than the public funds or moneys of the Province, a weekly sum of not less than three dollars.

Aid not to be given to hospital established in same municipality with one already aided.

(3) No aid shall be paid to any hospital which shall hereafter be established in any municipality in which a hospital already exists and is in operation, unless such additional hospital shall have been established with the approval of the Lieutenant-Governor in Council.

(4) Sub-sections 1 and 2 of this section shall only apply to institutions which have already received, or which hereafter shall have been in receipt of, aid under the provisions of the said Act for a period of ten years.

Rev. Stat. c. 248, s. 3 amended.

2. Section 3 of *The Charity Aid Act* is amended by striking out the words "to the extent and," in the sixth line thereof, and substituting the words "not exceeding the," in lieu thereof.

Rev. Stat. c. 248, s. 7 amended.

3.—(1) Section 7 of the said Act is amended by inserting the word "maximum" after the word "aggregate" in the

seventh line thereof, and by adding to the said section the following as sub-section (2) thereof:

(2) The Lieutenant-Governor in Council may exempt from the provisions of this section the institutions named, or by order in council directed to be taken as named, in schedules B and C of this Act, or either of such schedules, so that such institutions may receive the maximum aid payable under this Act and so that the provisions of this section may apply only to the institutions named, or by order in council directed to be taken as named, in the other schedule or schedules of this Act, as the case may be.

Exemption of certain institutions from provisions of section.

4.—(1) The Lieutenant-Governor may by order in council regulate the limitation of the number of days' stay of different classes of patients or inmates of the several institutions receiving aid under the provisions of *The Charity Aid Act*.

Limiting number of days' stay in institutions under Rev. Stat. c.248.

(2) All orders in council made under the authority of the next preceding section and of this section shall, as soon as conveniently may be after the making thereof, be laid before the Legislative Assembly.

CHAPTER 61.

An Act to confirm By-law No. 520 of the City of Brantford and to authorize the said City to sell a part of "Mount Hope Cemetery."

[Assented to 16th April, 1895.]

Preamble.

WHEREAS the corporation of the city of Brantford have by their petition represented that prior to the incorporation of the said city by the Act passed in the 40th year of Her Majesty's reign, chapter 34, the then town of Brantford acquired a tract of land in the township of Brantford for cemetery purposes, containing about fifty-three acres, and known as "Mount Hope Cemetery," and in the said Act of incorporation provision was made for the sale of the said cemetery under certain conditions therein expressed, which said provision has not been acted upon; and whereas owing to the fact that such cemetery, ever since the acquisition thereof has been and is yet very seldom used for burial purposes, and contains an area much larger than will be required for a great many years to come, the said corporation by their said petition have prayed that they may be permitted to sell the westerly part thereof, containing about twenty acres, in the manner and for the purposes hereinafter set forth; and whereas the corporation of the city of Brantford, after submission to the ratepayers, passed a by-law to authorize certain negotiations with the Waterous Engine Works Company (Limited), including the purchase of certain lands for public purposes and to raise the sum of forty thousand dollars therefor, which said by-law is numbered 520, and have by their petition represented that it will be advantageous to the said city, as well as just and right, that the said by-law number 520 should be ratified, legalized, confirmed and declared valid, and whereas no opposition has been made to the petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to sell
part of Mount
Hope Cemetery.

1. It shall be lawful for the said corporation, and the said corporation is hereby authorized to sell and convey in fee simple or for any less estate the following lands or any part thereof, namely:—the westerly twenty acres of the said cemetery bounded southerly, westerly and northerly by the present limits thereof, and easterly by a line drawn across the said cemetery parallel with the said westerly limit, and removed

removed therefrom easterly a sufficient distance to make up and include such twenty acres; together with a small irregular piece of said cemetery lying north of the main part thereof, and east of and adjoining the northerly part of the said twenty acres as above described,—upon such terms and conditions, and for such price or prices as shall by said corporation be deemed proper, and freed and discharged of and from all claims and demands of any person or persons whatsoever, and trusts of every description, and such sales may be either by public auction or private contract, and for cash or on time or partly for cash and partly on time, and such corporation may take, accept and hold any mortgage or other security for any balance of such purchase money, provided always that no such sale or sales shall be made hereunder until the remains of the dead which shall be interred in the portion thereof proposed to be sold, together with all head stones, monuments and other memorials, shall have been removed therefrom as hereinafter provided.

2. Before the removal of any such remains or memorials as aforesaid shall take place a notice of removal shall be given by the said corporation in accordance with the provisions of section 12 of the said Act of incorporation, and also by the insertion of such notice for one month in the *Ontario Gazette*, and no further or other notice either to the friends or relatives of the deceased, or to the owner or owners of plots in the said cemetery shall be necessary.

Removal of
remains of the
dead, notice.

3. After the giving of such notice as aforesaid the said corporation are hereby authorized and empowered to remove from the part so intended to be disposed of to any other part of the said cemetery all such remains, head stones, monuments and other memorials, and the provisions of section 11 of the said Act of incorporation as to the expense and manner of removal and re-interment and re-erection of memorials shall be applicable hereto and be observed by the said corporation.

Power to re-
move remains,
head stones,
etc.

4. Persons owning plots in the part of the said cemetery hereby authorized to be sold, shall, upon such sale taking place, be entitled to plots of a like size, and as near as may be similar as to location in the part retained by the said corporation, and in case of dispute as to the location of such new plots the same shall be determined by the judge of the county court of the county of Brant for the time being on application to him by the owner or owners dissatisfied with the allotment made by the said corporation, such application to be made within ten days after the day named in the notice of removal to be given as aforesaid, and the decision of such Judge shall be final.

Rights of per-
sons owning
lots in part
sold.

5. The moneys arising from the sale of the said land, after payment of the expenses connected with the passing of this Act

Application of
proceeds of
sales.

and

and the carrying out of the provisions thereof, shall be applied in improving and beautifying, in such manner as the said corporation shall deem advisable, the part of the said cemetery remaining unsold, but no purchaser of the said lands or any part thereof shall be bound to see to the application of his purchase money, or the said moneys may be set apart and invested from time to time and be applied in the purchase of other lands for cemetery purposes, or as provided in section 10 of the said Act passed in the 40th year of her Majesty's reign, chaptered 34.

40 V. c. 34,
not affected,
except where
inconsistent.

6. The portions of the said Act of incorporation relating to the said cemetery shall not be affected further than the carrying out of the provisions hereof renders necessary, but anything therein contained inconsistent with this Act is repealed.

By-law 520
and agreement
with Waterous
Engine Works Com-
pany con-
firmed.

7. The said by-law No. 520 of the said corporation, and the agreement entered into between the said corporation and the Waterous Engine Works Company (Limited), in relation to the purchase of the lands mentioned therein, bearing date the fifteenth day of December, 1894, and which said by-law and agreement are set out in the schedule hereto, are hereby confirmed and declared legal and valid for all purposes, and to have been within the power and authority of the said city and the debentures to be issued under the said by-law shall be and the same are hereby declared to be legal and valid, and binding upon the corporation of the said city of Brantford and the ratepayers thereof.

Power to sell
or lease cer-
tain lands.

8. The municipal council of the said corporation shall have full power to rent or lease or to sell and dispose of the whole or any portion of the said lands on such terms as may be deemed expedient, and in case of a sale or sales the moneys arising therefrom shall be either set apart as a sinking fund to retire the debentures to be issued under the said by-law, or shall be applied in purchasing other lands to be used as a site for public buildings or other public purposes of the said city.

SCHEDULE.

(Section 7.)

BY-LAW NO. 520.

To authorize certain negotiations with the Waterous Engine Works Company (Limited), including the purchase of certain lands for public purposes, and to raise \$40,000 therefor :

Whereas negotiations have been entered into between the corporation of the city of Brantford and the said company, whereby, among other things, the said company have agreed to erect a new factory within the limits of the said city, and the said corporation have agreed to purchase the lands and pre-
mises

mises at present occupied by said company, full particulars of which said negotiations are set forth in the agreement hereto annexed and referred to as schedule A, which said schedule is hereby declared to be a part of this by-law.

And whereas it will be necessary for said corporation to raise annually by special rate during the term of twenty years the sums hereinafter mentioned for paying the principal sum of forty thousand dollars mentioned in said agreement and interest thereon at four per cent. per annum, payable yearly.

And whereas the amount of the whole rateable property of the municipality of the said city of Brantford, according to the last revised assessment roll thereof, being for the year 1894, is the sum of \$6,408,266.00.

And whereas the amount of the existing debenture debt of the said municipality amounts to \$686,433.00, and no part of the principal or interest thereof is in arrear.

Therefore the municipal council of the corporation of the city of Brantford, enacts as follows :

1. It shall and may be lawful for the said corporation to purchase from the said company the lands in the said agreement mentioned at the price and upon the terms therein set forth.

2. For the purpose aforesaid, it shall and may be lawful for said corporation to borrow the said sum of forty thousand dollars and to issue debentures of the municipality to the amount of forty thousand dollars in sums of not less than one hundred each, payable at the expiration of twenty years from the time said debentures are deliverable to said company under said agreement, at the rate of four per cent. per annum, payable yearly at the expiration of each and every year from the date of the issuing of said debentures. The said debentures as to both principal and interest shall be made payable at the office in Brantford of the treasurer of said corporation and not elsewhere.

3. The mayor of said municipality is hereby authorized and instructed to sign and issue the said debentures so to be issued as aforesaid, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of said municipality, and the clerk of said municipality is hereby authorized and instructed to attach the corporate seal thereof to the said debentures.

4. To provide for the payment of principal and interest of said debentures, the sum of \$1,343.27 for payment of the said principal and the sum of \$1,600.00 for payment of said interest shall in addition to all other rates, be assessed, levied, raised, and collected upon all the rateable property in the said municipality in each year during the currency of the said debentures by special rate sufficient therefor.

5. When the assent of the electors of the said corporation has been obtained hereto, and this by-law shall have been finally passed, it shall be lawful for the mayor of this corporation to execute the said agreement on behalf of the corporation on procuring its execution by the said company.

6. It shall be lawful for said corporation to take all necessary steps to secure the legislation requisite for the confirmation of this by-law and the said agreement.

7. The votes of the ratepayers of the said municipality shall be taken on this by-law on Monday, the 7th day of January, 1895, at the hour of nine o'clock in the forenoon and continue to be taken until the hour of five o'clock in the afternoon, at the following places and by the following persons who are hereby appointed deputy returning officers :

For polling sub-division No. 1, in ward No. 1, at the house of Mr. Graham, 33 Egerton street; W. A. Wilkes, deputy returning officer.

For polling sub-division No. 2, in ward No. 1, at the house of C. Milligan, 128 West Mill street; William Sloan, deputy returning officer.

For polling sub-division No. 3, in ward No. 1, at the house of H. McDonald, 99 Oxford street; Charles Ott, deputy returning officer.

For polling sub-division No. 4, in ward No. 1, at the house of John Callis, 7 Colborne street; John Callis, deputy returning officer.

For polling sub-division No. 5, in ward No. 2, at the house of J. Buckley, 15 Bond street; Charles Jackson, deputy returning officer.

For polling sub-division No. 6, in ward No. 2, at the house of J. McKenna, corner of Pearl and Waterloo streets; William Harvey, deputy returning officer.

For polling sub-division No. 7, in ward No. 2, at the house of John Larman, 13 Albion street; S. M. Thomson, deputy returning officer.

For polling sub-division No. 8, in ward No. 2, at the house of W. Tucker, 66 William street; R. W. Brooks, deputy returning officer.

For polling sub-division No. 9, in ward No. 3, at city hall; L. Benedict, deputy returning officer.

For polling sub-division No. 10, in ward No. 3, at the overseer's office, Queen street; W. T. Urquhart deputy returning officer.

For polling sub-division No. 11, in ward No. 3, at the court house; F. H. Leonard, deputy returning officer.

For polling sub-division No. 12, in ward No. 3, at the shop of L. B. Carey, 122 Market street; L. B. Carey, deputy returning officer.

For polling sub-division No. 13, in ward No. 3, at the house formerly occupied by Mrs. Oxtaby, 201 Market street; Joseph Tilley, deputy returning officer.

For polling sub-division No. 14, in ward No. 4, at the house of John Fisher, 288 Dalhousie street; F. J. Bullock, deputy returning officer.

For

For polling sub-division No. 15, in ward No. 4, at the house of A. McMeans, corner of Alfred and Darling streets; J. W. Tutt, deputy returning officer.

For polling sub-division No. 16, in ward No. 4, at the house of J. Sears, 145 Peel street; J. Sears, deputy returning officer.

For polling sub-division No. 17, in ward No. 4, at the house of W. Hawthorn, 210 Chatham street; J. S. Thomas, deputy returning officer.

For polling sub-division No. 18, in ward No. 5, at the house of Mrs. Catharine Kerr, 155 Park avenue; William Frank, deputy returning officer.

For polling sub-division No. 19, in ward No. 5, at the house of Mr. Haddelsey, 55 Arthur street; A. P. Tipson, deputy returning officer.

For polling sub-division No. 20, in ward No. 5, at the house of H. Thompson, 89 Park avenue; T. Robson, deputy-returning officer.

For polling sub-division No. 21, in ward No. 5, at the house of Mr. Joseph Blayborough, 81 Erie avenue; William Blayborough, deputy returning officer.

On Friday, the 4th day of January, 1895, at the hour of 10 o'clock in the forenoon, the mayor shall attend at the office of the clerk in the city hall to appoint persons to attend at the various polling places and at the final summing up of the votes by the said clerk, respectively, on behalf of the persons interested in opposing or promoting the passing of this by-law, and the said clerk shall attend at his office in the city hall of the said city of Brantford, at 10 o'clock of the forenoon of Tuesday, the 8th day of January, 1895, and sum up the number of votes given for and against the by-law.

Passed in Council 21st January, 1895.

(Sgd.)

H. F. LEONARD,
Clerk.

(Sgd.)

GEORGE WATT,
Mayor.

[Corp. Seal.]

SCHEDULE A TO THE ANNEXED BY-LAW.

Agreement made this 15th Day of December, A.D. 1894,
between

The Municipal Corporation of the City of Brantford, hereinafter called the Corporation of the one part, and,

The Waterous Engine Works Company (Limited), hereinafter called the Company of the other part.

Whereas

Whereas the said company find their workshops and premises inadequate for the requirements of their constantly increasing business and have proposed to remove to another site.

And, whereas their present location is in a very central part of the city, and the manufacturing processes carried on there are in many respects detrimental to and depreciatory of the value of the surrounding properties, but the lands occupied thereby are suitable for a market, a site for public buildings or other public purposes, and said city is desirous of acquiring the same therefor, and at the same time to make certain arrangements, with, and concessions to, the said company, as hereinafter mentioned.

These presents, therefore, witness that the parties hereto covenant with each other as follows :

(1) The said corporation hereby agree to purchase from the said company the lands and premises on which their present works are situated, and consisting of that parcel of land fronting on Dalhousie, Queen and Darling streets in said city, having a frontage of three hundred and fourteen feet, more or less, on Dalhousie street, and a frontage of two hundred and thirty-five feet, more or less, on Darling street, and bounded on the west by Queen street, and on the east by the line of the fences and walls of the buildings as now standing (excepting thereout the property of one Alfred Ball fronting on Queen street, and consisting of his brick blacksmith shop and the frame dwelling adjoining the same on the south side thereof) for the price or sum of forty thousand dollars payable at the time and in the manner hereinafter mentioned, with the privilege to the said company of removing from said premises all the buildings and erections thereon situate west of the lane running between their present factory and office buildings from Dalhousie to Darling streets, such removal to be made and completed not later than six months after said company removes therefrom. The said company shall also remove all machinery, trade fixtures and appliances from all parts of said premises not later than six months after their removal to their new works and all such removals, whether of buildings, machinery or otherwise, shall be done in such manner as shall cause the least possible injury to the remainder of the premises.

(2) The company shall, not later than three months after the passing and legalizing of the by-law to which these presents are attached as a schedule, procure within the limits of the city of Brantford, an estate in a fee simple in a site sufficient for the establishment thereon of the works hereinafter mentioned and as soon thereafter as can conveniently be done, and not later than two years after the passing and legalizing of said by-law, erect on said lands, buildings suitable for the proper carrying on of their manufacturing business of the same or a like character to that in which they are now engaged and within said last named period, also fully and properly equip said buildings and premises with all the necessary machinery,

fixtures,

fixtures, plant and appliances, so that such buildings, and equipment shall be sufficient to furnish constant employment thereat for at least four hundred skilled mechanics or other competent workmen, and shall also commence regular manufacturing operations therein within said two years.

(3) The said company shall not carry on manufacturing operations within the Dominion of Canada elsewhere than at the city of Brantford, and their main business office shall also be located in said city.

(4) The said company shall join with said corporation in procuring the necessary legislation to confirm this agreement and the said by-law, and shall further the same by all lawful means in their power, but the expenses thereof shall be borne by the corporation and said agreement and by-law shall be of no effect unless adopted by the people and legalized by the legislature.

(5) The said company shall accept as payment of the purchase money to be paid under the first clause hereof the debentures of said corporation issued under the authority of the said by-law, which debentures shall be delivered to said company by the said corporation upon the fulfilment by the company of the requirements of the second clause of this agreement, such debentures to be payable in twenty years thereafter with interest at four per cent. payable yearly.

(6) The said corporation agree to exempt so far as they have the power, the said company from all municipal taxation (other than school taxes and local improvements rates) in respect to the lands and premises above described as about to be purchased by the corporation, and the plant, machinery, stock and personal property, and business at present carried on there, until the completion of the purchase of the said lands by said corporation, as aforesaid, not however exceeding the period of ten years as provided by law. And further, to exempt so far as they have the power in like manner the lands and premises so to be acquired for the new factory, together with all the plant and machinery, stock, personal property and business to be located on there for a period of ten years from the first day of January, 1897.

(7) The said corporation shall provide adequate fire protection for the proposed new premises of the company by the construction of water mains to such points on the adjacent street and the erection of hydrants thereat, as the chief of the fire department shall indicate. And the corporation shall also cause the streets in the locality of the new works to be properly lighted and such streets also to be properly levelled and graded so as to furnish passage and access to the works for heavy teaming at all seasons of the year.

(8) As far as the said corporation has power to grant the same, the company shall be at liberty to lay railway tracks on, along or across the streets in the vicinity of their proposed new

works,

works, to make switch connections with the lines of the Grand Trunk and Toronto, Hamilton & Buffalo Railways, such track to be laid in such a manner as shall cause the least possible interference with or obstruction to the said streets, said company agreeing to indemnify said corporation and save them harmless from and against all damages sustained by any person or persons by reason of the exercise by the company of the privileges hereby granted.

(9) The said corporation shall cause that part of Oneida street, adjoining the lands acquired by the company for a site, and lying between Erie avenue and Jex street, to be closed and to allow said company to occupy, use and enjoy the same as a part of their own premises without compensation to said corporation; the said company, however, undertaking and agreeing to indemnify and save harmless the said corporation from and against all damages of every description which they may suffer or be put to by any person or persons by reason of the closing up of such portion of the said street.

(10) The exemption of the present buildings and premises and business contemplated by clause six of this agreement is conditional upon the company carrying out all the obligations of this agreement, and in the event of their not doing so they will remain liable for payment of taxes as if these presents had not been made.

(11) The provisions for fire protection and lighting shall apply only in case the site selected for the new works shall be situated within 1,500 feet of existing mains, and the provisions as to streets shall apply only to existing streets.

(12) The provisions of this agreement as to exemptions from taxation shall be operative only in case the company operate their works in the usual manner for nine months at least in each year, and in case they fail in any year to operate their works as aforesaid, the taxes for that year shall be due and payable.

CHAPTER 62.

An Act to incorporate the Village of Bridgeburg.

[Assented to 16th April, 1895.]

WHEREAS, on the seventh day of June, A. D. 1894, the council of the municipal corporation of the county of Welland did pass a by-law numbered 623, intituled "A by-law for the incorporation of the village of International Bridge;" and whereas, in and by the said by-law the unincorporated village of International Bridge with its immediate neighborhood was thereby erected into a corporation separate and apart from the township of Bertie; and whereas, in the said village so incorporated are situate the property of the International Bridge Company, and also of the Grand Trunk Railway Company of Canada and of the Canada Southern Railway Company, many of the employees of which companies reside in the village of Amigari, and are therefore interested in the taxes paid by the said corporations; and whereas, the area covered by the said two villages is too large to come within the limits of the powers of the council as to incorporation under *The Consolidated Municipal Act 1892*; and whereas the said by-law has been attacked in the chancery division of the High Court of Justice, on a motion to quash it, and this litigation is now pending; and whereas, it has been agreed by all the parties concerned that application should be made for an Act incorporating the said two villages as one and including within the corporate limits the lands and premises hereinafter described, and fixing the amounts of the assessments of the said corporations upon the properties within these limits at the sums hereinafter named for the period of ten years from, and including, 1895; and whereas certain of the residents of the said two villages and of the parties concerned have by their petition prayed that an Act may be passed incorporating the said villages as one municipality and making provision as to assessment of properties before referred to and for other matters; and whereas no one has appeared to oppose the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation
of village of
Bridgemburg.

1. From and after the passing of this Act the inhabitants of the said unincorporated villages of International Bridge and Amigari within the boundaries hereinafter described shall be, and they are hereby constituted a corporation or body politic under the name of the "Corporation of the Village of Bridgeburg," separate and apart from the township of Bertie, in which the said villages are situate, and they shall have and enjoy all the rights, powers and privileges now enjoyed or which shall hereafter be conferred upon incorporated villages under the municipal laws of this Province.

Boundaries of
village.

2. The said village of Bridgeburg is hereby declared to be composed of, and to consist of, the lands, with the intervening roads, streets and highways within the following boundaries: On the east, the international boundary line, on the north, a line drawn through the centre of the road known as the Bowen road, and being the road allowance between lots eight and nine in the first and second concessions from Niagara river, from the said Niagara river westerly to a point half-way through the said second concession from the Niagara river; on the west, by a line drawn from the point last mentioned across the centre of the said second concession to a point on the road known as the Gilmore road, the said road being the road allowance between lots 4 and 5 in the said second concession; on the south, by a line running east along the centre of the said Gilmore road from the last-mentioned point to the western boundary line of the village of Fort Erie, and continuing east from the said boundary line along the northern boundary of the said village of Fort Erie to the international boundary line, and also the north-east part of lot number three and the east part of lot number four in the second concession from Niagara river in the said township, bounded on the east by the east limit of the said second concession, on the south by a line drawn parallel to the limit between said lots three and four, and being at the distance of three chains south of said limit; on the west by the westerly limit of the lands of the Grand Trunk Railway Company, and on the north by the north limit of said lot four, and also including the south half of the Gilmore road lying between the northerly production of said easterly and westerly boundaries which said lands and premises, with the intervening roads, streets and highways, shall hereafter be detached from the said township and become the property of the said village in the same manner and to the same extent as if the said villages were incorporated under *The Consolidated Municipal Act, 1892*, and all the provisions of the said Act applicable in the premises, save as herein otherwise provided, shall be taken to apply to the said village.

55 V. c. 42.

Elections of
reeve and
council for
1895 con-
firmed.

3. The election of the reeve and other members of the council, held on 31st December, 1894, and on the 7th day of January, 1895, under the said by-law, in the village of Inter-
national

national Bridge, is hereby confirmed, and the said council so elected and the village officers appointed by it, are, and they are hereby declared to be, the municipal council and municipal officers of the village incorporated hereunder for the year 1895, and the various acts and proceedings of said council and officials are hereby declared to be as valid and as applicable to the village incorporated hereunder as if the said council had been regularly and lawfully elected by the people thereof under *The Consolidated Municipal Act, 1892*.

55 V. c. 42.

4. The yearly assessment of the property owned by the International Bridge Company within the limits above described and of the property of the Grand Trunk Railway Company and of the Canada Southern Railway Company within said limits is hereby fixed for the period of ten years from, and including, the year 1895 at the sums following, that is to say : The property of the International Bridge Company at the sum of \$175,000 in each year ; the property of the Grand Trunk Railway Company at the sum of \$21,000 in each year ; the property of the Canada Southern Railway Company at the sum of \$13,000 in each year ; and for the period aforesaid the said properties shall be assessed in each year at the amounts aforesaid.

Assessment of
International
Bridge Com-
pany and
Grand Trunk
and Michigan
Central
Railway Com-
pany.

5. The expenses in connection with the procuring the passage of the by-law before referred to through the said county council, and also the expenses incurred by the applicants on the said motion now pending, the costs of the applicants being hereby fixed at two hundred dollars and also the expenses incurred in obtaining this Act, and the expenses in connection with the application for an Act incorporating the village of International Bridge in the year 1891, not to exceed one hundred dollars, shall be paid by said village to any person or persons entitled thereto.

Expenses of
Act.

CHAPTER 63.

An Act to confirm a By-law of the United Townships of Burleigh and Anstruther.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS, the corporation of the united townships of Burleigh and Anstruther have, by their petition, represented that the said corporation have incurred a floating debt of \$2,000, arising from extraordinary expenditure in building new bridges, to replace bridges destroyed by fire, constructing roads and making other public improvements of a permanent character, and to liquidate the said floating debt forthwith, in addition to the ordinary annual expenditure and burdens, would be unduly oppressive to the ratepayers; and whereas, the said corporation have by their said petition further represented that on the twentieth day of September, 1894, the council of the said corporation submitted to the ratepayers a certain By-law number 8, which is set forth as schedule A to this Act, authorizing the borrowing of the said sum of \$2,000, repayable in fifteen equal annual instalments, for the purpose of liquidating the said floating debt, which said by-law was duly carried and was subsequently passed by the said council; and whereas, the said corporation have by their said petition prayed that an Act may be passed to confirm and legalize the said by-law and to authorize the borrowing of the sum of \$2,000, as therein provided; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 8
of Burleigh
and An-
struther con-
firmed.

1. The said by-law number 8 of the municipal corporation of the united townships of Burleigh and Anstruther, set forth in full in schedule A to this Act, is hereby declared legal, valid and binding upon the said municipal corporation, in the same manner and to the same extent as if set out at length, and the provisions thereof enacted in this Act, notwithstanding any want of jurisdiction in the said municipality to pass the said by-law, and notwithstanding any defect in substance

or

or in form in the said by-law or in the manner of passing the same.

2. It shall be lawful for the said the municipal corporation of the united townships of Burleigh and Anstruther to raise by way of loan the sum of \$2,000 on the credit of the debentures issued or to be issued under and pursuant to the provisions of the said by-law and repayable in the manner and at the times therein provided.

Power to raise \$2,000 on debentures.

3. The said debentures and all moneys arising therefrom shall be applied by the said corporation in payment of the said floating debt of \$2,000 and in no other manner and for no other purpose whatsoever.

Application of proceeds of debentures.

SCHEDULE.

(Section 1.)

BY-LAW No. 8.

A by-law to provide for the issuing of debentures for the purpose of paying off the indebtedness of the late united townships of Burleigh, Anstruther and Chandos, and of consolidating the indebtedness of the united townships of Burleigh and Anstruther.

Whereas, it is necessary to raise the sum of two thousand dollars for the purpose of paying off the indebtedness of the late united townships of Burleigh, Anstruther and Chandos and of consolidating the indebtedness of the united townships of Burleigh and Anstruther, and in order thereto it will be necessary to issue debentures of the municipality of the united townships of Burleigh and Anstruther, payable as herein provided;

And whereas, it will be requisite to raise annually during the term of fifteen years by special rate for paying the said debt and interest the sum of one hundred and ninety-two dollars and sixty-eight cents;

And whereas, the amount of the whole of the rateable property of the municipality of the united townships of Burleigh and Anstruther, according to the last revised and equalized assessment roll, amounts to fifty-two thousand nine hundred and ninety-one dollars;

And whereas, the existing debenture debt of the said municipality amounts to eleven hundred and thirty-five dollars, and no principal or interest is in arrear;

Therefore

Therefore the municipal council of the united townships of Burleigh and Anstruther enacts as follows:—

1. It shall and may be lawful for the reeve of the said united townships of Burleigh and Anstruther for the purposes aforesaid to borrow the said sum of two thousand dollars and to issue debentures for the said united townships of Burleigh and Anstruther for the amount of two thousand dollars, of sums of not less than one hundred dollars each for the repayment of the principal and interest of such indebtedness by annual instalments extending over the period of fifteen years from the date fixed for the coming into force of this by-law.

2. Each of such debentures shall be for the sum of \$192.68, being the amount of the several annual instalments, including principal and interest.

3. The said debentures as to principal and interest shall be payable at the office of the Bank of Montreal in the town of Peterborough, Ontario.

4. One of such debentures (being fifteen in all) shall be payable on the first day of October, 1895, and on the first day of October in each of the fourteen years following such last mentioned payment.

5. That it shall be lawful for the reeve of the said united townships of Burleigh and Anstruther, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and to cause the same to be signed by the treasurer of the said united townships of Burleigh and Anstruther, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

6. There shall be raised and levied annually by a special rate on all the rateable property in the said municipality the sum of \$192.68 for the purpose of paying the principal and interest of such indebtedness.

7. This by-law shall take effect on the first day of October, 1894.

8. The votes of the ratepayers of the said municipality shall be taken on this by-law on the twentieth day of September 1894, commencing at the hour of nine o'clock in the forenoon and continuing until 5 o'clock in the afternoon of the same day, at the following places and before the following deputy returning officers:—

1. At the Town Hall, Apsley, Peyton W. C. Shewen to be Deputy Returning Officer.

2. At Stone's School House, J. C. Stone to be Deputy Returning Officer.

9. On the nineteenth day of September, 1894, the reeve shall attend at the town hall, Apsley, at ten o'clock a.m., to appoint persons to attend at the various polling places at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

10. The clerk of the said municipality shall attend at the council chamber at ten o'clock in the forenoon on the twenty-first day of September 1894, and sum up the number of votes given for and against the by-law.

Dated at Peterborough, this 20th day of August, A.D. 1894.

(Sgd.) ALEX. BROWN,

Reeve.

(Sgd.) PEYTON W. C. SHEWEN,
Clerk.

[Seal]

Take notice that the above is a true copy of a proposed by-law which has been taken into consideration and which will be finally passed by the council of the municipality of the united townships of Burleigh and Anstruther in the event of the assent of the electors being obtained thereto after one month from the first publication in the Peterborough *Examiner* newspaper, the date of which first publication was 23rd August, 1894, and that the votes of the electors of the said municipality will be taken thereon at the following places and before the following deputy returning officers:—

1. At the Town Hall, Apsley, Peyton W. C. Shewen to be Deputy Returning Officer;

2. At Stone's School House, J. C. Stone to be Deputy Returning Officer;

on the twentieth day of September, 1894, commencing at the hour of nine o'clock a.m., and continuing until 5 p.m. of the same day.

PEYTON W. C. SHEWEN,
Clerk.

CHAPTER 64.

An Act to authorize the Town of Carleton Place to issue certain Debentures.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS, the corporation of the town of Carleton Place, in the county of Lanark, has by petition represented that it has a debt of \$19,400 (exclusive of interest and debentures for school purposes) nearly all incurred for permanent improvements within the said town of which the sum of \$18,200 is secured by debentures of the said corporation due and payable in the years 1895 to 1911, inclusive, with interest at the rate of five per centum per annum, and the balance of the said debt being \$1,200 is a floating debt or liability; and whereas the said corporation has further represented that a by-law for issuing debentures for the sum of \$25,000 has with the assent of the ratepayers during the past year been passed for the purpose of purchasing fire appliances and erecting a town and fire-hall; and whereas the said corporation has further represented that none of the said outstanding debenture debt or interest is in arrear; and whereas the said corporation has further represented that the payments to be made on account of the said debenture debt outstanding and of the debentures authorized to be issued to pay \$25,000 for the said fire appliances and town and fire-hall and the said floating debt during the ensuing years would be oppressive to the ratepayers, and that it is desirable that the said corporation may be authorized to issue debentures to the extent of \$44,400 in the manner and according to the yearly amounts set forth in schedule A to this Act for the purpose of raising funds to pay the said floating debt of \$1,200, and the indebtedness incurred for defraying the cost of the said fire appliances and town and fire-hall of \$25,000, and also to pay or replace and extend the time for payment of the said outstanding debentures maturing in the years aforesaid without providing a sinking fund or making other provision for the payment of the principal than is hereinafter provided, the interest to be levied by an annual special rate over and above all other rates on the rateable property of the said municipality, and the principal of the said consolidated debt to be similarly

levied

levied in the years in which said debentures therefor shall fall due respectively as set forth in schedule A to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said debts of the said town of Carleton Place are hereby consolidated at the sum of \$44,400. Debts consolidated at \$44,400.

2. The said corporation may issue debentures under the corporate seal signed by the mayor and countersigned by the treasurer of the said town for the time being in such sums not exceeding \$44,400 in the whole as the said corporation may by by-law from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable at such place as the corporation may deem expedient. Power to issue debentures for \$44,400.

3. The corporation of the said town may raise by way of loan on the credit of the said debentures a sum not exceeding in the whole the sum of \$44,400, or may sell or dispose of the said debentures from time to time as they may deem expedient for the purposes of this Act. Raising money on debentures.

4. The said debentures shall be for a sum of not less than \$100 each, and shall be payable in the manner, to the amounts and at the times respectively set forth in the third and fourth columns of the said schedule A and not otherwise, but such debentures shall not be issued before the years mentioned in the first column of the said schedule A. Coupons shall be attached thereto for the payment of the interest thereon and such interest shall be payable in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per centum per annum. Form of debentures. Interest coupons.

5. It shall be lawful for the said corporation to levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them. Special rate.

6. The said debentures and all moneys to arise therefrom shall be applied by the said corporation Application of proceeds of debentures.

(a) In payment of the said liability of \$1,200, and

(b)

(b) In payment for fire appliances to be purchased as aforesaid and the erection of a town and fire-hall, \$25,000, and

(c) In payment and redemption of outstanding debentures of the said corporation to the amount of \$18,200, and for no other purpose whatsoever.

Calling in outstanding debentures.

7. The said corporation may arrange with the holders, or any of them, for the purchase of the outstanding debentures, or any of them, or for the substitution of the debentures authorized to be issued by this Act for the outstanding debentures, or any of them, and the said corporation may issue the whole or a sufficient portion of the said debentures authorized to be issued under this Act to purchase or substitute for, as the case may be, any such debentures that may be purchased or arranged for.

Payment of present indebtedness.

8. The treasurer of the said corporation on receiving instructions from the said corporation so to do, shall pay off the said liability of \$1,200 out of the proceeds of the debentures issued by authority of this Act in the year 1895, and out of the said proceeds shall also pay such sums as he may be ordered to pay, to the amount of \$25,000, for fire appliances and for the erection of a town and fire-hall as provided by by-law of the said town, and also shall pay off any outstanding debentures and discharge the same with the funds from time to time raised under this Act, or he may substitute, with the consent of the holders thereof, for any outstanding debentures, according to the time, and for the yearly amounts only specified in said schedule A, the debentures, or any of them, authorized to be issued by this Act, and upon such terms as may be agreed upon between the said corporation and the holders of the said outstanding debentures.

Form of debentures.

9. The debentures to be issued under this Act may be in the form contained in schedule B to this Act.

Form of by laws

10. The by-law or the by-laws for the issuing of the debentures authorized by this Act may be in the form of schedule C to this Act.

Irregularities in form not to invalidate debentures.

11. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and a purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

12. It shall not be necessary to obtain the assent of the electors or ratepayers of the said town of Carleton Place to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any Act amending the same. Assent of electors not required. 55 V. c. 42.

13. Notwithstanding anything in this Act contained, all outstanding debentures which are school debentures or which have been issued for school purposes shall be provided for, retired and paid in all respects as if this Act had not been passed. School debentures.

14. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Carleton Place from any indebtedness or liability which may not be included in said debt. Indebtedness not discharged.

15. This Act may be cited as "*The Town of Carleton Place Debenture Act, 1895*." Short title.

SCHEDULE A.

(Section 4.)

Amount of Debentures authorized to be issued under this Act with year of issue and date of payment.

Year.	Amount.	Total issue repayable 1st of December.	
		Amount.	Year.
	\$ c.	\$ c.	
		700 00	1895
		700 00	1896
		700 00	1897
		800 00	1898
		900 00	1899
		1,000 00	1900
		1,000 00	1901
		1,100 00	1902
		1,100 00	1903
		1,200 00	1904
1895.....	26,200 00	1,200 00	1905
		1,300 00	1906
		1,400 00	1907
		1,400 00	1908
		1,500 00	1909
		1,600 00	1910
		1,600 00	1911
		1,700 00	1912
		1,700 00	1913
		1,800 00	1914
		1,800 00	1915
1895.....	900 00	1,800 00	1916
1896.....	900 00		
1897.....	1,000 00	1,600 00	1917
1898.....	600 00		
1898.....	500 00	1,600 00	1918
1899.....	1,100 00		
1900.....	1,200 00	1,900 00	1919
1901.....	700 00		
1901.....	600 00	2,000 00	1920
1902.....	1,400 00		
1903.....	1,400 00	2,100 00	1921
1904.....	700 00		
1904.....	700 00	2,200 00	1922
1905.....	1,500 00		
1906.....	1,600 00	2,400 00	1923
1907.....	800 00		
1907.....	800 00		
1908.....	1,000 00		
1909.....	200 00	2,600 00	1924
1910.....	300 00		
1911.....	300 00		

SCHEDULE B.

(Section 9.)

CARLETON PLACE DEBENTURE.

Province of Ontario.

Under and by virtue of *The Town of Carleton Place Debenture Act, 1895*, the corporation of the town of Carleton Place in the county of Lanark promises to pay the bearer at the sum of _____ on the _____ day of _____ one thousand _____ hundred and _____ and the _____ yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at Carleton Place, Ontario, this _____ day of _____
A. D.

SCHEDULE C.

(Section 10.)

By-law to authorize the issue of debentures for the sum of _____ dollars under the authority of *The Town of Carleton Place Debenture Act, 1895*.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned not exceeding forty-four thousand four hundred dollars in the whole as the corporation of the town of Carleton Place in the county of Lanark may in pursuance of and conformity with the provisions of the said Act direct; and whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of _____ dollars payable

_____ with interest thereon at the rate of _____ per centum per annum payable _____ yearly according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said town of Carleton Place according to the last revised assessment roll of the said town being for the year one thousand _____

was

Therefore the corporation of the said town enacts as follows :—

1. The debentures under the said Act and for the purposes therein mentioned to the extent of the sum of _____ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of _____ per centum per annum payable _____ yearly on the _____

This by-law passed in open council this _____ day of _____ in the year of our Lord one thousand eight hundred and ninety-five.

CHAPTER 65.

An Act to incorporate the City of Chatham.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS, the corporation of the town of Chatham has, by its petition, represented that the town now contains about 10,000 inhabitants, and has extensive railway and shipping interests and facilities, and has an extensive merchant and shipping trade, and is, and will continue to be, an important centre of population and commerce, and is the distributing point for a number of smaller towns and villages in the county of Kent; and is the county town of the county of Kent; and whereas, the said corporation has prayed that the said town may be erected into a city, to be called the "City of Chatham"; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation
of city of
Chatham.

1. On and after the passing of this Act the said town of Chatham shall be, and is hereby, incorporated as a city, and shall be known thereafter as "The Municipal Corporation of the City of Chatham," and as such shall enjoy and possess all the rights, powers and privileges of cities under *The Consolidated Municipal Act 1892*.

55 V. c. 42.

Wards.

2. The city of Chatham shall be divided, as the town of Chatham has heretofore been divided, into five wards, to be named, respectively, Ward No. 1, Ward No. 2, Ward No. 3, Ward No. 4 and Ward No. 5, and the boundaries, or limits, of the said wards, respectively, shall be and remain as they existed prior to the passing of this Act.

Council, how
composed.

3. The council of the said city shall consist of the mayor, who shall be the head thereof, and three aldermen for each ward thereof; provided, nevertheless, that the present mayor and council of the said town shall be, and continue to be, the mayor and council of the said city, and shall hold office until the election of their successors, as provided by this Act, and

Provided.

shall

shall exercise all the rights and powers and perform all the duties pertaining to the offices of mayor and aldermen, respectively, of a city, and in the event of the death, resignation or disqualification of the said mayor or any member of the said council a new election shall be held to fill the vacancy under the provisions of *The Consolidated Municipal Act 1892*. 55 V. c. 42.

4. The said city of Chatham shall in all matters whatsoever stand and be in the place and stead of the said town of Chatham, and all property of every kind and all rights, interests, assets and effects, taxes, rates, dues, revenues, obligations and income now belonging to, or accruing, due to, or which may be assessed for by the said town, shall pass, belong to and be the rights, property, assets, effects, taxes, revenues and obligations of the said city of Chatham; and in the assessment for, and collection of, all the aforesaid property and revenues of every kind the said city of Chatham shall have as full power in its name to assess for, demand, collect and receive the same as the said town could have, and the said city shall assume and hereby assumes all bills, debts, debentures and liabilities of any and every kind now due, or contracted, or accruing due, or for which the said town but for the passing of this Act would be liable, and the same shall and may be collected and sued for, from and against the said city of Chatham in precisely the same manner, except in the change of the name, as against the said town of Chatham; and all acts, matters and things whatsoever which might be lawfully done by the said town of Chatham shall, and may be done by the said city of Chatham, and all matters begun or initiated by the said town may be completed by the said city, the meaning and intention hereof being that in all matters and things the said city shall be and stand in the place of the said town.

Assets and liabilities of town to be the assets and liabilities of the city.

5. The officers and servants of the said town, shall, until superseded in or removed from office by the council of the said city, remain the officers and servants of the said city.

Officers and servants of town to remain.

6. The provisions of *The Consolidated Municipal Act 1892* relating to matters consequent on the formation of new municipal corporations and the other provisions of the said Act shall, except so far as herein otherwise provided, apply to the said corporation of the city of Chatham in the same manner as if the said town had been erected into a city under the provisions of *The Consolidated Municipal Act 1892*. 55 V. c. 42.

Application of provisions of 55 V. c. 42.

7. At any election in the said city, held prior to the first day of February next after the passing of this Act, the qualifications of the electors shall be the same as required in towns.

Qualifications of electors.

Nomination
for first elec-
tion.

8. John Tissiman of the said town of Chatham, Esquire, who is now the clerk thereof, or such other person as the council of the said city may by by-law, to be passed before the last Monday in the month of December next, appoint in his stead, is hereby appointed the returning officer for the purpose of holding the nomination meeting for the first election of mayor, and it shall be the duty of the returning officer to hold such nomination meeting at the city hall in the city of Chatham at the hour of ten o'clock in the forenoon of the said last Monday in the month of December.

Duties of
returning
officer.

9. The said returning officer shall have all the powers and perform all the duties of clerk of the said city until the appointment by the council thereof of some other person in his place and stead.

Deputy
returning offi-
cers and poll-
ing places.

10. The council of the said city shall have power by by-law to be passed before the said last Monday in the month of December to appoint a deputy returning officer for each of the several polling sub-divisions of the said city, each of whom shall have all the powers and perform all the duties of deputy returning officer in municipal elections for cities, and also by by-law to be passed within the time aforesaid to name the places in each of the several wards at which the nominations of aldermen and election of mayor and aldermen shall be held in case a poll be required.

Regulations
applicable to
first election.

11. The nomination for aldermen shall be held on the last Monday in the month of December at noon, and if a poll be required the same shall be opened on the same day of the following week, and the nominations and the election of mayor and aldermen shall, except in so far as is herein otherwise provided, be conducted and regulated in the same manner as such nominations and elections are conducted and regulated in municipal elections for cities.

Assessment
roll and
voters' list.

12. The last revised assessment roll and voters' list of the said town shall be taken to be the roll and voters' list for any future election, either to the municipal council or to the Legislative Assembly in the said city until another assessment shall be made and the roll thereof shall be finally revised and the voters' list thereunder shall be duly made and completed.

CHAPTER 66.

An Act respecting the Town of Gananoque.

[Assented to 16th April, 1895.]

WHEREAS the municipal council of the town of Gananoque Preamble.
 has by petition represented that disastrous loss to the town has resulted from the removal to another locality of a large industry that lately carried on operations in the said town, the said industry having assumed another corporate name and received a bonus of \$50,000, in order to secure the said removal, and that many of the inhabitants of the said town have in consequence been thrown out of employment and have prayed that in order to regain the said loss and to furnish employment to the inhabitants, special powers may be granted to enable them to secure the establishment within the said town of Gananoque of an industrial enterprise or enterprises, and in particular the establishment and continuance in the said town of Gananoque of a carriage factory recently incorporated as "The Thousand Island Carriage Company, Limited;" and whereas, the case of the said town of Gananoque is for the reasons aforesaid exceptional; and whereas it is expedient to grant the prayer of the said petition,
 Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject as hereinafter provided it shall be lawful for the corporation of the town of Gananoque to grant aid by way of loan or bonus or to guarantee the interest upon a loan of \$10,000 for the term of ten years to secure the establishment of an industrial enterprise or enterprises within the said town, and in the event of the granting of aid by bonus to issue debentures for the amount required for the purposes aforesaid, and to exempt from taxes, rates and assessments, other than school taxes, for a term not exceeding twenty years, the property of such enterprise or enterprises, and to do all other acts in the premises as if the power to grant bonuses was still vested in the municipalities. Municipal aid to industrial enterprises.

Exemption from taxes.

By laws granting bonuses to be submitted to the electors.

55 V. c. 42.

55 V. c. 42.

Assent of two-thirds of ratepayers required.

Protection to established industries.

Removal of industries from other municipalities

Limit of municipal taxation.

Certificate of clerk as to majority.
55 V. c. 42.

Scrutiny of votes.

Proceeding for contesting result of submission of by-law to electors.

2. No such aid by way of loan, bonus, subscribed stock or grants of lands, or any of them, shall be given until after the passing of by-laws by the municipal council for the purpose, and the adoption of such by-laws by the qualified electors, as provided in *The Consolidated Municipal Act, 1892*, with respect to by-laws for the creation of debts, and except as herein otherwise provided, all the provisions of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, and the assent of the qualified ratepayers shall apply.

3.—(1) Notwithstanding anything contained in the preceding section of this Act, the vote of two-thirds in the affirmative of the ratepayers who are entitled to vote upon any by-law granting aid to or for promoting the establishment of a manufactory or manufacturing establishment, or for lending money to such company, person or establishment, or guaranteeing the payment of money borrowed, shall be necessary in order to the carrying of the by-law.

(2) No bonus shall be granted to a manufacturer under this Act who proposes to establish an industry of a similar nature to one already established in the municipality without a bonus.

(3) No bonus shall be granted by the municipality to secure the removal thereto of an industry already established elsewhere in this Province.

(4) No bonus shall be granted in aid of any manufacturing industry where the granting of such bonus would, for its payment, together with the payment of similar bonuses already granted by the municipality, require an annual levy for principal and interest exceeding ten per cent. of the total annual municipal taxation thereof.

4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act, 1892*, the clerk, in case of a majority of votes being in favor of the by-law shall further certify whether or not, as shown by the voters' list, such majority appears to be two-thirds of all the voters who are entitled to vote on the by-law.

5. In case of dispute as to the result of the vote on any by-law submitted under this Act, the county judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

6. The petition to the judge may be by an elector or by the council; and the proceedings for obtaining the judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

7. Sections 209 to 222, 293 to 319, and 321 to 328 inclusive, of *The Consolidated Municipal Act, 1892*, and their sub-sections, shall form part of this Act.

Application
of certain
sections of 55
V. c. 42.

8. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act, 1892*, relating to the creation of debts, the issue of debentures, and the time and manner of repayment of the same, shall apply and be read as part of this Act.

Application of
certain
provisions of
55 V. c. 42.

9. No by-law for the purpose of granting aid in pursuance of the provisions of this Act shall be valid, unless duly passed within five years after the passing of this Act.

By-laws to be
passed within
five years
after Act.

CHAPTER 67.

An Act respecting By-laws numbers 680 and 772 of the City of Hamilton.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, and the Hamilton Iron and Steel Company (Limited) and the municipal corporation of the city of Hamilton, have petitioned praying that an Act may be passed to ratify, confirm and legalize a by-law of the municipal corporation of the city of Hamilton passed on the 24th day of July, A.D., 1893, after the same had been duly approved and assented to by the rate-payers of the said city of Hamilton who were entitled to vote intituled "By-law number 680 for granting a bonus of \$75,000 "for the promotion of iron smelting works and the further "sum of \$60,000 for the promotion of steel smelting works in "or immediately adjacent to the city of Hamilton," a copy of which said by-law is contained in schedule A to this Act; and also to ratify, confirm and legalize a by-law of the municipal corporation of the said city of Hamilton passed on the 25th day of February, A.D. 1895, intituled "By-law number "772 to extend the time for completion of the iron smelting "works," a copy of which said last mentioned by-law is contained in schedule B to this Act; and whereas the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson and other persons were duly incorporated by letters patent under and by virtue of *The Ontario Joint Stock Companies Letters Patent Act*, on the eighth day of November, A.D. 1893, under the name of the Hamilton Iron and Steel Company (Limited) for the purpose of carrying on the said iron and steel smelting works and for other purposes; and whereas the Hamilton Iron and Steel Company (Limited) hereinafter called "the company" have also by their said petition prayed that an Act may be passed

confirming

confirming the said letters patent ; and whereas it is expedient to grant the prayer of the said petitions :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. The said by-law numbered 680 of the municipal corporation of the city of Hamilton intituled as in the preamble to this Act recited and which said by-law is set out in schedule A to this Act is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the rate-payers thereof notwithstanding anything in any Act to the contrary.

By-law No 680
confirmed.

2. The said by-law numbered 772 of the municipal corporation of the city of Hamilton intituled as in the preamble to this Act recited and which said by-law is set out in schedule B to this Act, is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the rate-payers thereof notwithstanding anything in any Act to the contrary.

By-law No. 772
confirmed.

3. It is hereby declared that the said by-laws numbers 680 and 772 passed by the municipal council of the said city of Hamilton as aforesaid and all the conditions and agreements therein contained are and shall be binding upon the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators and assigns and upon the land conveyed or to be conveyed to them by the corporation of the city of Hamilton under said by-laws and the plant, buildings machinery and appurtenances thereon or thereto belonging.

By-laws to be
binding on
certain per-
sons and pro-
perty.

4. It is hereby further declared that the said by-law number 680 shall be read and construed and have force and effect as modified or altered by the terms of said by-law number 772 and of this Act.

Amendment
of By-law 680
by By-law
772.

5. No irregularity in the form of the debentures issued or to be issued under the said by-laws or under either of them shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for

Irregularities
in form not to
invalidate
debentures.

the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Assent of electors not required to By-law 761.
55 V. c. 42.

6. It shall not be necessary to obtain the assent of the electors of the said city of Hamilton to the passing of the said by-law number 772 or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act 1892*, or any Act amending the same.

Letters Patent incorporating the Hamilton Iron and Steel Company confirmed.

7. The letters patent set out in schedule C to this Act and granted under *The Ontario Joint Stock Companies' Letters Patent Act* to the Hamilton Iron and Steel Company (Limited), are hereby ratified and confirmed and held as binding as if originally granted by an Act of the Legislature of the Province of Ontario and all proceedings taken by the company in virtue thereof are hereby declared to be as valid and binding as if the powers granted by the said letters patent had been originally granted by an Act of the Legislature of Ontario.

Power to construct tramways.

8. The said company is hereby further authorized to construct and maintain a tramway or railway with all necessary side tracks and turnouts to connect the works of the company situate and being constructed on parts of lots numbered seven in the broken front and first concession of the township of Barton with its quarry property situate on part of lot number seven in the third concession of the said township, and to operate the same by steam, electricity or other motive power.

Aid to company.

9. The company may receive from any government, or municipal corporation or from any person or bodies corporate or politic, aid towards the construction, equipment and maintenance of the works authorized under said letters patent and this Act to be undertaken, by way of gift, bonus or loan of money or debentures or other securities for money or real estate or by way of guarantee.

Contracts for construction or equipment.

10. It shall be lawful for the directors to enter into a contract or contracts with any person or persons for the construction and equipment of the works authorized by the said letters patent and this Act or any portion thereof and to pay therefor either in cash or bonds or in paid up stock or otherwise as may be deemed expedient.

Rights of aliens.

11. Aliens and foreign corporations as well as British subjects and whether residing in Canada or elsewhere may be shareholders in the company and all such shareholders shall be entitled to vote on their shares equally with British subjects, and aliens shall also be eligible to hold office as directors of the company.

SCHEDULE A.

(Section 1.)

BY LAW No. 680.

Passed 24th July, 1893.

For granting a bonus of \$75,000 for the promotion of iron smelting works, and the further sum of \$60,000 for the promotion of steel smelting works in or immediately adjacent to the city of Hamilton.

Whereas, Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr. and Edward H. Thompson, have proposed to establish smelting works in or immediately adjacent to the city of Hamilton, and to expend upon the plant, machinery, furnace stack, heating ovens, blowing engines, boilers, pumps, connecting machinery, approaches, tracks, docks and buildings necessary for such works, the sum of not less than \$400,000, the whole of such works to be completed and ready for operation before the 31st. day of December, 1894, and to have a capacity to turn out at least one hundred and fifty tons of pig iron per day, and in consideration of their carrying out such proposal the corporation of the city of Hamilton have agreed by way of bonus for the promotion of said iron smelting works to procure and convey to them the lands hereinafter described upon and subject to the conditions hereinafter contained, and also to pay them a bonus in debentures of the said corporation to the amount of \$40,000, provided that the said works shall have been completed and ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, before the 31st day of December 1894, and that the sum of \$400,000 shall then have been expended upon such works.

And whereas, the said corporation have agreed to grant to the said parties, their executors, administrators or assigns the further sum of \$60,000 provided they shall before the 31st. day of December, 1896, complete and have ready for operation on the lands hereinafter described, steel smelting works for the manufacture of steel, and shall by that date have expended upon the buildings, plant, machinery and appliances necessary for such steel smelting works, the sum of \$400,000 in addition to the moneys expended upon the iron smelting works hereinbefore mentioned.

And whereas, in order to provide for the purchase of the lands to be conveyed as aforesaid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr. and Edward H. Thompson, it will be necessary to issue debentures of this municipality for the sum of \$35,000 payable as hereinafter provided

And whereas, for the payment of the bonus of \$40,000 hereinbefore mentioned it may be necessary to issue debentures
of

of this municipality for the further sum of \$40,000, payable as hereinafter provided.

And whereas, for the payment of the bonus of \$60,000 hereinbefore mentioned, it may be necessary to issue debentures of this municipality for the further sum of \$60,000, payable as hereinafter provided.

And whereas, it will be requisite to raise by special rate for paying the debentures for \$35,000 hereinbefore first mentioned and interest thereon, the sum of \$2,575.65 annually during the currency of such debentures.

And whereas it will also be requisite to raise by special rate, for paying the debentures for \$40,000, hereinbefore secondly mentioned, and interest thereon, the sum of \$3,160 annually during the currency of such debentures.

And whereas, it will be requisite to raise by special rate for paying the debentures for \$60,000, hereinbefore thirdly mentioned, and interest thereon, the sum of \$5,149.20 annually during the currency of such debentures.

And whereas, the amount of the whole ratable property of the municipality according to the last revised assessment roll is \$24,465,640.

And whereas, the existing debenture debt of this municipality amounts to \$2,899,145 and no principal or interest is in arrear.

Therefore the municipal council of the city of Hamilton enacts as follows :

1. It shall be lawful for the corporation of said city for the purpose of purchasing the lands to be conveyed as aforesaid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr. and Edward H. Thompson, their executors, administrators or assigns, to issue debentures of the said municipality to the amount of thirty-five thousand dollars, in sums of not less than one hundred dollars each, payable at the end of twenty years from date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable half yearly, and coupons therefor to be attached to said debentures.

2. It shall be lawful for the corporation of the said city for the purpose of paying the bonus of forty thousand dollars hereinbefore mentioned, to issue debentures of the said municipality to the amount of forty thousand dollars, in sums of not less than one hundred dollars each, payable in eighteen years from the date thereof and within twenty years from the date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable half yearly, and coupons therefor to be attached to said debenture.

3. It shall be lawful for the corporation of said city for the purpose of paying the bonus of sixty thousand dollars

hereinbefore

hereinbefore mentioned, to issue debentures of the said municipality to the amount of sixty thousand dollars in sums of not less than one hundred dollars each, payable in sixteen years from the date thereof, and within twenty years from the date of the passing of this by-law, such debentures to bear interest at four per cent. per annum from the date thereof, the interest on said debentures to be payable half yearly, and coupons therefor to be attached to said debentures.

4. The said debentures as to principal and interest shall be payable at the office of the Treasurer of the said City of Hamilton.

5. It shall be lawful for the mayor of the municipality upon the taking effect of this by-law, and upon the persons hereinbefore named entering into an agreement in the form or to the effect of the agreement appended to this by-law, and he is hereby authorized and instructed upon such taking effect of this by-law, and upon receiving such agreement, to sign the debentures for thirty-five thousand dollars authorized to be issued under the first enacting clause of this by-law and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures, and upon receiving a valid conveyance of the lands hereinafter mentioned, to deliver such debentures when so signed and sealed to the persons making such conveyance of said lands, and upon receiving such conveyance the mayor and clerk of said municipality are hereby authorized and instructed to convey the said lands by deed under the corporate seal of the said city to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators and assigns upon and subject to the condition that the said lands shall revert to the Corporation of the City of Hamilton together with all plant, buildings, machinery and appurtenances thereon or thereunto belonging, if the said parties shall not before the 31st day of December, 1894, or within such further time not exceeding one year as the municipal council of the city may grant as hereinafter provided for, have completed the said Iron Smelting Works and have the same ready for operation, with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and shall then have expended thereon the sum of at least four hundred thousand dollars, provided nevertheless that the said parties, their executors, administrators or assigns, shall have the right to repurchase said lands, together with all plant, buildings, machinery and appurtenances thereon or thereto belonging, upon paying therefor within one year from the 31st day of December, 1894, the sum of \$35,000, with interest thereon from the date when said lands were purchased by the City Corporation.

6. It shall be lawful for the mayor of the said municipality upon the fulfilment by the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfilment thereof to sign the debentures for forty thousand dollars hereby secondly authorized to be issued and to cause the same and the interest coupons attached thereto to be signed by the treasurer of said municipality, and the clerk of the said municipality, is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfilment by the said parties, their executors, administrators or assigns, of the said terms and conditions, and such debentures when so signed and sealed shall be delivered to the said parties, their executors, administrators or assigns.

7. It shall be lawful for the mayor of the said municipality upon the fulfilment by the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfilment thereof to sign the debentures for sixty thousand dollars hereby thirdly authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfilment by the said parties, their executors, administrators or assigns of the said terms and conditions, and such debentures when so signed and sealed shall be delivered to the said parties, their executors, administrators or assigns.

8. There shall be raised and levied by special rate on all the rateable property in said municipality for payment of the interest on the debentures for \$35,000 mentioned in the first enacting clause of this by-law, the sum of \$1,400 and for payment of the principal of said debentures the sum of \$1,175.65 annually, during the currency of such debentures.

9. There shall be raised and levied by special rates on all the rateable property in said municipality for payment of the interest on the debentures for \$40,000 mentioned in the second enacting clause of this by-law, the sum of \$1,600, and for payment of the principal of said debentures the sum of \$1,560 annually during the currency of such debentures.

10. There shall be raised and levied by special rate on all the rateable property in the said municipality for payment of the interest on the debentures for \$60,000 mentioned in the third enacting clause of this by-law, the sum of \$2,400, and for payment of the principal of said debentures the sum of \$2,749.20 annually, during the currency of such debentures.

11. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers hereinafter named, on Wednesday, the 5th day of July, 1893, commencing at the hour of 9 o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places :

Ward.	Division.	Place.	Returning Officer.
1	1	666 King street east.	Alex. Turnbull.
1	2	404 King street east.	W. P. Smith.
1	3	61 Ferguson ave. south.	Richard Ellicott.
2	1	146 King street east.	J. M. Ellicott.
2	2	28 Main street east.	F. R. Hutton.
2	3	209 John street south.	A. C. Beasley.
2	4	48 James street south.	Wm. Herman.
3	1	193 King street west.	R. Corner.
3	2	307 Main street west.	M. A. Pennington.
3	3	137 Hannah street west.	Ed. Smith.
3	4	495 King street west.	Wm. Kingdon.
3	5	299 Herkimer street west.	Joseph Kent.
4	1	58 Caroline street north.	Robert Bryce.
4	2	136 Cannon street west.	Chas. Blackman.
4	3	440 King street west.	Jas. Weatherston.
4	4	Corner York and Queen.	Louis McDonald.
4	5	378 York street.	T. Tribute.
4	6	King's pump shop, Dundurn street.	Alfred Richmond.
5	1	13 MacNab street north	A. Hunter.
5	2	City Hall.	Lucien Hills.
5	3	21 Hughson street north.	Robert Leask.
5	4	149 McNab street north.	James Clark.
5	5	363 James street north.	John B. Nelligan.
5	6	503 James street north.	Wm. Buckingham.
6	1	37 John street north.	Charles Reid.
6	2	68 Cannon street east.	James Byrens.
6	3	113 Rebecca street.	Wm. Turnbull.
6	4	225 King William street.	Wm. Allen.
6	5	Shop corner Barton and John streets.	James Houlden.
6	6	364 Mary street	Thomas Smith.
6	7	83 Picton street.	Alex. McPherson.
7	1	83 East ave. north.	Hedley Mason.
7	2	55 Ashley street.	Samuel Robins.
7	3	Corner Barton and East Ave.	Samuel Scott.
7	4	361 Cannon street east.	W. H. Martin.
7	5	Corner Victoria ave. and Albert road.	T. Lawrence.
7	6	Town Hall, Barton.	A. W. Swazie.

12. On Monday, the 3rd day of July, 1893, the mayor shall attend at the Council Chambers at 11 o'clock in the forenoon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the city clerk on behalf of the persons interested in opposing or promoting the passing of this by-law.

13. The clerk of the council of the said municipality shall attend at his office in the City Hall, in the City of Hamilton at 11 o'clock in the forenoon of Friday the 7th day of July, 1893, and sum up the number of votes given for and against the by-law.

14. This by-law shall take effect on the day of the passing thereof.

TERMS AND CONDITIONS.

The following are the terms and conditions agreed on between this Corporation and the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, and the grant made by this by-law is hereby declared to be subject thereto, and to be payable to the said parties, their executors, administrators or assigns, in the manner, and at the time set forth therein and not otherwise, and no part thereof shall be paid over to them or any of them except in accordance with and upon the fulfilment of such terms and conditions.

1. The lands to be purchased with the debentures to the amount of \$35,000 which are to be issued when this by-law takes effect, and after the agreement mentioned in the fifth enacting clause of this by-law has been received, shall be conveyed to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators and assigns, immediately after the purchase thereof by the corporation of the city of Hamilton, upon and subject to the condition that the said lands shall revert to and become the property of the said corporation together with all plant, buildings, machinery and appurtenances thereon or thereunto belonging, if the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, or some or one of them shall not before the 31st day of December, 1894, or within such further time not exceeding one year as the municipal council of the city may grant, as hereinafter provided for, have completed the said iron smelting works upon the lands hereinafter described and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and shall not then have expended thereon for the purposes hereinbefore mentioned the sum of at least four hundred thousand dollars; provided, nevertheless, that the said parties, their executors, administrators or assigns, shall have the right to re-

purchase

purchase said lands, together with all plant, buildings, machinery and appurtenances thereon or thereto belonging, upon paying therefor within one year from the 31st day of December, 1894, the sum of \$35,000, with interest thereon from the date when said lands were purchased by the city corporation.

2. The sum of \$40,000 mentioned in the second enacting clause of this by-law shall be paid to the said parties, their executors, administrators or assigns, by the delivery to them of debentures to that amount issued under this by-law, and bearing interest at four per cent. per annum, but none of such debentures shall be so delivered to the said parties, their executors, administrators or assigns, or any of them, unless they shall have before the 31st day of December, 1894, completed the said iron smelting works on the lands hereinafter mentioned, and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and shall then have expended thereon for the purposes hereinbefore mentioned the sum of at least four hundred thousand dollars; provided, nevertheless, that if the said smelting works shall be in active operation on and from the 31st day of December, 1894, with a capacity to turn out at least one hundred and fifty tons of pig iron per day, but the said parties shall not by that date have expended for the purposes aforesaid the sum of \$400,000, the municipal council of the city shall have power by resolution to extend the time for the expenditure of the balance of said sum of \$400,000 for a further period not exceeding one year.

3. The sum of \$60,000 mentioned in the third enacting clause of this by-law shall be paid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, by the delivery to them of debentures to that amount issued under this by-law and bearing interest at four per cent. per annum, but none of such debentures shall be so delivered to the said parties, their executors, administrators or assigns, or any of them, unless they shall have completed before the 31st day of December, 1896, steel smelting works for the manufacture of steel, upon the lands hereinafter described, and shall have expended upon the buildings, plant and machinery therefor the sum of four hundred thousand dollars in addition to all sums expended upon the iron smelting Works in the next preceding paragraph mentioned, and shall have such steel smelting works ready for the manufacture of steel before the said 31st of December, 1896.

4. It is hereby declared that time shall be of the essence of this by-law as to the periods hereinbefore provided for the completion of all the works hereinbefore mentioned and for having them ready for operation, and of the capacity hereinbefore provided and for the expenditure thereon by the said Joseph J. Morehouse, James Morehouse, William V. Reynolds,

William

William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns, of the two sums of four hundred thousand dollars each, hereinbefore respectively mentioned, and it is also further declared and agreed that if the said iron smelting works and the said steel smelting works respectively or either of them shall be completed, and the conditions with regard to the same respectively shall be fulfilled before the dates hereinbefore provided for the completion of said works and the fulfilment of said conditions, the debentures to be given by way of bonus for the promotion of such works respectively, may be issued and delivered upon the completion of such works respectively and the fulfilment of the conditions hereinbefore contained with regard thereto, and the time for payment of said debentures respectively and the time from which interest thereon shall begin shall be computed from the date when such works are respectively completed and such conditions are fulfilled.

Passed 24th day of July, A.D. 1893.

(Sd.) T. BEASLEY,
City Clerk.

(Sd.) P. C. BLAICHER,
Mayor.



DESCRIPTION OF THE PROPERTY REFERRED TO IN THE FOREGOING BY-LAW.

All and singular those certain parcels or tracts of land and premises situate, lying and being in the township of Barton and county of Wentworth, and being composed of parts of lots 7, 8 and 9, in the broken front concession of said township and which may be more particularly described as follows :

Commencing at the point where the northerly boundary of land, now owned by one W. C. Harvey, meets the division line between lots 7 and 8 aforesaid, (the said point being distant about two thousand one hundred and seventy-five feet from the rear of the said concession) thence south 73 degrees east, and following the said northerly boundary nine hundred and ten feet, more or less, to a post planted in an inlet or marsh on the original division line, between the properties of Jas. Harvey and A. W. Taylor, thence northerly, and following said original division line to the waters of Burlington Bay, thence westerly and following the waters of Burlington Bay to the said division line between lots 7 and 8, thence southerly and following said division line one thousand one hundred and seventy-two feet, more or less, to the place of beginning.

Also, commencing at a point on the division line between lots 7 and 8 aforesaid, distant about seven hundred and eleven

feet

feet southerly from the point of commencement of last parcel, (said point being where a line drawn on a course parallel to the southerly boundary of property owned by W. J. Gage, and cutting off the southerly ten acres therefrom, would meet the said division line between lots 7 and 8), thence westerly along such line one thousand three hundred and thirty-six feet, more or less, to Sherman avenue, then northerly along Sherman avenue, seven hundred and thirty-eight feet, more or less, to the waters of Burlington Bay, thence easterly following the waters of Burlington Bay to the division line between lots 7 and 8 aforesaid, then southerly and following said division line one thousand five hundred and ninety-four feet, more or less, to the place of beginning.

Also, commencing at a point on the west side of Sherman avenue, distant northerly one hundred and fifty-four feet from the south-west corner of last described parcel, thence westerly and on a course parallel to the southerly boundary of the last described parcel, five hundred and six feet, more or less, to the waters of Burlington Bay, thence northerly and following the waters of Burlington Bay to the west side of Sherman avenue, thence southerly along Sherman avenue to the place of beginning.

FORM OF AGREEMENT REFERRED TO IN THE FOREGOING
BY-LAW.

We, the undersigned, Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, hereby agree with the corporation of the city of Hamilton, that if on or before the 1st day of August, 1893, the lands mentioned in the foregoing description shall be well and sufficiently conveyed to us, we will, without delay, erect thereon the plant, machinery, furnace stack, heating ovens, blowing engines, boilers, pumps, connecting machinery, approaches, tracks, docks and buildings necessary for the establishment thereon of iron smelting works, and complete the same with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and that in the event of our failure to do so we will make good to the said city corporation all loss they may sustain by reason of their purchase of said lands.

SCHEDULE B.

(Section 2.)

BY-LAW NO. 772. TO EXTEND THE TIME FOR THE COMPLETION OF THE IRON SMELTING WORKS.

Whereas by-law number 680 of this municipality was passed on the 24th day of July, 1893, for granting a bonus of \$75,000 for the promotion of iron smelting works, and the further sum of \$60,000 for the promotion of steel smelting works in or immediately adjacent to the city of Hamilton.

And whereas it was by said by-law provided that certain lands therein described, which were to be purchased by the corporation of the city of Hamilton with debentures to the amount of \$35,000 to be issued under said by-law should be conveyed to Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster Jr., and Edward H. Thompson in said by-law named, their executors, administrators and assigns immediately after the purchase thereof by the corporation of the city of Hamilton upon and subject to the condition that the said lands should revert to and become the property of the said corporation, together with all plant, buildings, machinery and appurtenances thereon or thereunto belonging if the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson their executors, administrators or assigns or some or one of them should not before the 31st day of December 1894, or within such further time, not exceeding one year, as the municipal council of the city might grant, as thereafter provided for, have completed the said iron smelting works upon the lands thereafter described and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and should not then have expended thereon for the purposes thereinbefore mentioned the sum of at least four hundred thousand dollars; provided, nevertheless that the said parties, their executors, administrators or assigns should have the right to repurchase said lands, together with all the plant, buildings, machinery and appurtenances thereon or thereto belonging, upon paying therefor within one year from the 31st day of December 1894, the sum of \$35,000 with interest thereon from the date when the said lands were purchased by the city corporation.

And whereas it was by said by-law further provided that the sum of \$40,000 mentioned in the second enacting clause thereof should be paid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns by the delivery to them of debentures to that amount issued under said by-law and bearing interest at four per cent. per annum, but that none of such debentures should be so delivered to the said parties their executors, administrators

or assigns, or any of them, unless they should have before the 31st day of December 1894 completed the said iron smelting works on the lands in the said by-law mentioned, and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and should then have expended thereon for the purposes in said by-law mentioned the sum of at least four hundred thousand dollars; provided, nevertheless, that if the said smelting works should be in active operation on and from the 31st day of December, 1894, with a capacity to turn out at least one hundred and fifty tons of pig iron per day, but the said parties should not by that date have expended for the purposes aforesaid the sum of four hundred thousand dollars, the municipal council of the city should have power by resolution to extend the time for the expenditure of the balance of said sum of \$400,000 for a further period not exceeding one year.

And whereas the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson have proceeded with the construction of the said iron smelting works and are carrying on the works towards completion as fast as possible, but by reason of unforeseen delays in procuring the necessary plant therefor they have been unable to complete said works and have the same ready for operation by the 31st day of December, 1894, and have asked for an extension of time for such completion until the first day of October, 1895.

And whereas the said corporation have consented to grant such extension of time so far as they have power to do so under said by-law, upon and subject to the terms and conditions hereinafter mentioned:

Therefore the municipal council of the city of Hamilton enacts as follows:

1. The time for the completion of the said iron smelting works and for having the same in actual operation with the capacity mentioned in said by-law shall be extended until the first day of October, 1895, and the said by-law shall in all respects be read and construed as if the said date were throughout the said by-law, substituted for the 31st day of December, 1894, and the bonus of \$40,000 payable upon the condition that said works should be completed and in actual operation with the capacity mentioned in said by-law before the 1st of October, 1895.

2. Before the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H. Thompson, their executors, administrators or assigns shall be entitled to claim said debentures to the amount of \$40,000, they shall procure an Act of the legislature of the province of Ontario sanctioning this by-law and declaring it to be valid, and the conditions and agreements therein contained to be binding upon the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, Jr., and Edward H.

Thompson

Thompson their executors, administrators and assigns and upon the lands conveyed or to be conveyed to them by the corporation of the city of Hamilton under said by-law and the plant, buildings, machinery and appurtenances thereon or thereunto belonging, and also enacting that said by-law number 680 shall be read and construed and have force and effect as modified or altered by the terms of this by-law and of such Act.

Passed this 25th day of February, A.D. 1895.

(Signed) T. BEASLEY,
City Clerk.



[SEAL] (Signed) A. D. STEWART,
Mayor.

SCHEDULE C.

(Section 7.)

GEORGE A. KIRKPATRICK.
Lieutenant-Governor.

PROVINCE OF ONTARIO.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come: Greeting:

O. MOWAT. } WHEREAS by the Revised Statute of the
Attorney-General. } Legislature of Our Province of Ontario
entitled *An Act respecting the incorporation of Joint Stock Companies by Letters Patent* it is provided that the Lieutenant-Governor of Our said Province in Council may, by Letters Patent under the Great Seal of Our said Province, grant a charter to any number of persons, not less than five who shall petition therefor constituting such person and others who may become shareholders in the company thereby created a body corporate and politic, for any purposes or objects to which the legislative authority of the said legislature extends, except the construction and working of railways and the business of insurance other than provided by section 4 of *The Ontario Insurance Act*, being chapter 167 of The Revised Statutes of Ontario, 1887.

And

And whereas by petition addressed to Our Lieutenant-Governor of Ontario in Council, Joseph Jennings Morehouse of the city of New York in the state of New York one of the United States of America, manufacturer, James Morehouse of the said city of New York, manufacturer, William Van Veghten Reynolds, of Reynolds, in Rensselaer county in the said state of New York, railroad president, William Foster the younger, of the said city of New York, manufacturer, Edward Harris Thompson of the town of Millerton in Dutchess county in the said state of New York, banker, Herbert Nelson Curtis of the said city of New York, manufacturer, John Henry Tilden of the city of Hamilton in the county of Wentworth and Province of Ontario, iron founder, John Milne, of the said city of Hamilton, iron founder, and Robert Jaffray of the city of Toronto in the County of York and Province aforesaid, banker, have prayed that a charter may be granted to them constituting them and such other persons as are or may become shareholders in the proposed company a body corporate and politic for the purposes and objects following, that is to say: (a) To carry on the business of exploring for, mining or otherwise acquiring iron, nickel, copper and other metals, materials, mineral and ores; (b) To crush, smelt, reduce and manufacture such metals, minerals and ores; (c) To carry on the business generally of smelting metals minerals and ores and to manufacture the same and of manufacturing therefrom as well as in combination with other metals, minerals, ores, substances and materials all articles of merchandise that may be manufactured therefrom including iron, steel and nickel of all kinds and descriptions and all forms; (d) To carry on the business of rolling mills and the manufacture of iron and steel rails and all kinds and classes of muck bar and refined rolled bar iron bessemer and other kinds and descriptions of steel; (e) To manufacture charcoal, coke and other fuel and requisites for the said business; (f) To acquire by purchase or otherwise such real and personal property, easements, premises, claims, mining locations, limits, privileges or other rights necessary or convenient for the business or operations of the company; (g) To erect and establish works, mills, factories, warehouses and other buildings and to operate the same; (h) To construct tramways and to operate the same by steam, electricity or other motive power; (i) To build, acquire, charter or lease steam and other vessels, boats, piers and wharves, telegraph and telephone lines, aqueducts, dams, water-power roads and other works in connection with the works of the company or which may be deemed necessary or convenient for the business of the company and subject to the approval of the shareholders of the company at a general meeting to be duly called for considering the subject to aid by way of bonus or otherwise the construction or maintenance of any of the same or any railways that may serve or promote the company or its interests; (j) To purchase or otherwise acquire

acquire such articles of merchandise as may be deemed necessary for the business of the company and to sell or otherwise dispose of the same and any property not further required for the business of the company; (k) To issue paid up shares of the capital stock of the company for real or personal property, claims, mining locations, limits, privileges or other rights which may be deemed suitable or necessary for the purposes of the company and; (l) To contract with any municipal or other corporation, company, firm or persons with respect to any business of the company under the name of "The Hamilton Iron and Steel Company (Limited)".

And whereas it is further stated by the said petition that the amount of the stock taken by each of the applicants is as follows:

By the said Joseph Jennings Morehouse, James Morehouse, William Van Veghten Reynolds, William Foster the younger, Edward Harris Thompson and Herbert Nelson Curtis, each the sum of one thousand dollars and by the said John Henry Tilden, John Milne and Robert Jaffray, each the sum of one hundred dollars

And whereas it has been proved to the satisfaction of Our Lieutenant-Governor in Council that the said applicants have complied with all the requirements of the said Act, as to matters preliminary to the issue of letters patent, and that a notice of the said application containing the particulars required by the sixth section of the said Act has been duly given in *The Ontario Gazette* in accordance with the provisions of the said Act.

Now know ye that by and with the advice of Our Executive Council of Our Province of Ontario and under the authority of the hereinbefore in part recited statute, and of any other power or authority whatsoever in us vested in this behalf, we do by these our letters patent constitute the said Joseph Jennings Morehouse, James Morehouse, William Van Veghten Reynolds, William Foster the younger, Edward Harris Thompson, Herbert Nelson Curtis, John Henry Tilden, John Milne and Robert Jaffray, and all such other persons as shall at any time hereafter become shareholders in the company hereby created under the provisions of the said Act, a body corporate and politic, with perpetual succession and a common seal, by the name of "The Hamilton Iron and Steel Company (Limited)" and capable forthwith of exercising all the functions of an incorporated company for the purposes and objects aforesaid, as if incorporated by a special Act of the Legislature of Ontario, and by their corporate name of suing and being sued, pleading and being impleaded in all courts whether of law or equity, and with the powers in the said Act more particularly set forth.

And we direct that the capital stock of the said company be one million dollars and be divided into ten thousand shares of one hundred dollars each; that the operations of the said

company

company be carried on within the said Province of Ontario; that the chief place of business of the company be at the said city of Hamilton and that the said Joseph Jennings Morehouse, James Morehouse, William Van Veghten Reynolds, William Foster the younger, Edward Harris Thompson, Herbert Nelson Curtis, John Henry Tilden, John Milne and Robert Jaffray be the first directors of the said company.

And we further direct that no parcel of lands or interest therein at any time acquired by the said company and not required for its actual use and occupation, or not held by way of security, or not situate within the limits or within one mile of the limits of any city or town in the said province, shall be held by the said company or by any trustee on its behalf for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the company shall no longer retain any interest therein unless by way of security.

And we further direct that any such parcel of land or any interest therein not within the exceptions hereinbefore mentioned which shall be held by the said company for a longer period than seven years, without being disposed of, shall be forfeited to us for the use of our said province.

And we further direct that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the said company of the intention of the Government to claim such forfeiture, and it shall be the duty of the company to give our said Lieutenant-Governor, when required, a full and correct statement of all lands at the date of such statement held by the company, or in trust for the company, and subject to this proviso.

And we further direct that the said company shall be subject to the provisions of said Act, being chapter 157 of the Revised Statutes of Ontario, 1887, entitled, *An Act Respecting the Incorporation of Joint Stock Companies by Letters Patent*, and to such further and other provisions as the Legislature of Ontario may hereafter deem expedient in order to secure the due management of its affairs and the protection of its shareholders and creditors.

And we further direct that the charter of the said company shall be forfeited by non-user during three consecutive years at any one time, or if the company does not go into active operation within three years after it is granted; and no declaration of such forfeiture by any Act of the legislature shall be deemed an infringement of such charter.

And we further direct that the charter of the said company may at any time be declared to be forfeited and may be revoked and made void by order of our executive council of our said Province of Ontario on sufficient cause being shown to us in that behalf, and that such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as to us may seem proper.

In

In testimony whereof we have caused these our letters to be made patent and the great seal of our Province of Ontario to be hereunto affixed.

Witness: The Honorable George Airey Kirkpatrick, Member of our Privy Council for Canada and Lieutenant-Governor of our Province of Ontario.

At our Government House, in our city of Toronto, in our said Province, this eighth day of November in the year of our Lord one thousand eight hundred and ninety-three and in the fifty-seventh year of our reign.

By command

(Signed) J. M. GIBSON,
Secretary.

CHAPTER 68.

An Act to confirm By-law No. 755 of the City of Hamilton.

[Assented to 16th April, 1895.]

WHEREAS the Toronto, Hamilton and Buffalo Railway Company and the municipal corporation of the city of Hamilton have by their petitions prayed that an Act may be passed to ratify, confirm and legalize a by-law of the municipal corporation of the city of Hamilton passed on the 29th day of October, A.D., 1894, after the same had been duly approved and assented to by the ratepayers of the said city of Hamilton entitled to vote thereon, and intituled "By-law No. 755 for granting a bonus of \$225,000 in aid of the Toronto, Hamilton and Buffalo Railway Company," a copy of which said by-law is contained in schedule "A" to this Act; and whereas no opposition has been given to the said petition by any ratepayer of the said city of Hamilton; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said by-law numbered 755 of the municipal corporation of the city of Hamilton intituled as in the preamble to this Act recited and which said by-law is set out in schedule "A" to this Act, is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

By-law 755 granting bonus of \$225,000 to Toronto, Hamilton and Buffalo Railway confirm-
ed.

2. No irregularity in the form of the debentures to be issued under the said by-law shall render the same invalid or illegal or be allowed as a defence to any action brought against the said municipal corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof.

Irregularities in form not to invalidate debentures or by-law.

Conditions of
by-law to be
binding on
Toronto,
Hamilton and
Buffalo R. W
Co.

3. It is hereby declared that the said by-law No. 755 and all the conditions contained therein are and shall be binding on the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them; and in the event of the lines now under construction or proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland or the connecting line from Hamilton through Brantford to Waterford or any part of the said lines coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company, or the South Ontario Pacific Railway Company or of any company, person, or persons acting for or in the interest of either of the said companies, or being operated as part of or in alliance with any of the said systems, or ceasing to be operated so as to give a through connection with the Canada Southern Railway and over that Railway with the Michigan Central systems, or in the event of the Toronto, Hamilton and Buffalo Railway Company either directly as a company or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Brantford, or any point between Brantford and Hamilton to the city of Toronto or any point near Toronto, which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the company their successors or assigns under or by virtue of the grant made by said by-law No. 755 to the Toronto, Hamilton and Buffalo Railway Company shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge prior to all other liens and charges upon the Toronto, Hamilton and Buffalo Railway and upon all the franchises and property of the said company.

SCHEDULE "A"

BY-LAW No. 755.

For granting a bonus of \$225,000 in aid of the Toronto Hamilton and Buffalo Railway Company.

Whereas the Toronto, Hamilton and Buffalo Railway Company have applied to this council for a bonus in aid of their railway, and it has been deemed to be in the interest of the citizens, in order to secure a competing railway line through the city, that a bonus of two hundred and twenty-five thousand dollars should be granted to the said railway company upon the terms and conditions agreed upon between this corporation and the company, which terms and conditions are hereinafter set forth :

And

And whereas, in order to provide the said bonus, it will be necessary to issue debentures of this municipality for the sum of two hundred and twenty-five thousand dollars, payable as herein provided, if all the conditions hereinafter contained are fulfilled;

And whereas, if the said debentures for \$225,000 be issued, it will be requisite to raise annually by special rate, during the currency thereof, for paying the said debt and interest, the sum of \$14,403;

And whereas the amount of the whole ratable property of the municipality, according to the last revised assessment roll, is \$24,691,720;

And whereas the existing debenture debt of this municipality amounts to \$2,928,732, and no principal or interest is in arrear;

Therefore the municipal council of the city of Hamilton enacts as follows:—

1. It shall be lawful for the corporation of the said city, for the purpose aforesaid, to issue debentures of the said municipality for the sum of two hundred and twenty-five thousand dollars, as hereinafter provided, in sums of not less than one hundred dollars each, payable at the end of twenty-five years from the first day of September, 1895, such debentures to bear interest at four per cent. per annum from that date, and the interest on all said debentures to be payable half-yearly, on the first days of March and September in each year.

2. The said debentures, as to principal and interest, shall be payable at the office of the treasurer of the said city of Hamilton.

3. It shall be lawful for the mayor of the said municipality upon the fulfillment by the said company of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfillment thereof, to sign the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality; and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfillment by the company of the said terms and conditions, and such debentures, when so signed and sealed, shall be delivered to the company.

4. There shall be raised and levied annually by special rate on all the ratable property in the said municipality, during the currency of said debentures, for payment of the interest thereon the sum of \$9,000, and for the payment of the principal of said debentures, the sum of \$5,403.

5. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers hereinafter named, on Thursday, the eleventh day of October, 1894, commencing at the hour of nine o'clock in the morning, and continuing until five o'clock in the afternoon, at the undermentioned places:

Ward

Ward.	Division.	Place.	Returning Officer.
1	1	666 King street east	Alex. Turnbull.
1	2	404 King street east	W. P. Smith.
1	3	51 Ferguson ave. south	Richard Ellicott.
2	1	146 King street east	J. M. Ellicott.
2	2	28 Main street east	F. R. Hutton.
2	3	160 Catharine st. south	E. G. Payne.
2	4	24 Jackson street west	Wm. Herman.
3	1	193 King street west	R. Corner.
3	2	307 Main street west	M.A. Pennington.
3	3	137 Hannah street west	E. F. Smith.
3	4	501 King street west	Wm. Kingdon.
3	5	299 Herkimer street	Jos. Kent.
4	1	58 Caroline street north	Robert Bryce
4	2	136 Cannon street west	Chas. Blackman.
4	3	440 King street west	Chris. Kerner.
4	4	Cor. York and Queen	T. Tribute.
4	5	392 York street	Alfred Richmond
4	6	S.S. King's shop, Dundurn	J. M. Dingwall.
5	1	13 Macnab street north	Adam Hunter.
5	2	City Hall, James street	L. Hills.
5	3	184 James street north	Robt. Leask.
5	4	149 McNab street north	Jas. Clark.
5	5	363 James street north	J. B. Nelligan.
5	6	503 James street north	Wm. Buckingham
6	1	37 John street north	Chas. Reid.
6	2	68 Cannon street east	Jas. Byrnes.
6	3	113 Rebecca street	Allan Land.
6	4	225 King William street	Wm. Allen
6	5	{ Cor. John and Barton } { streets, Houlden's shop. }	Jas. Houlden.
6	6	364 Mary street	Thos. Smith.
6	7	83 Picton street east	Alex. McPherson
7	1	83 East avenue north	Saml. Robins.
7	2	35 Ashley street	Hedley Mason.
7	3	316 Barton street east	Saml. Scott.
7	4	383 Cannon street east	W. H. Martin.
7	5	{ Cor. Victoria avenue and } { Albert road }	T. Lawrence.
7	6	Town Hall, Barton	A. W. Swazie.

6. On Tuesday, the 9th day of October, 1894, the mayor shall attend at the council chamber, at 11 o'clock in the forenoon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the city clerk on behalf of the persons interested in and promoting or opposing the passage of this by-law, respectively.

7. The clerk of the council of the said municipality shall attend at his office in the city hall, in the city of Hamilton, at 11 o'clock in the forenoon of Saturday, the 13th day of October, 1894, and sum up the number of votes given for and against the by-law.

TERMS AND CONDITIONS.

The following are the terms and conditions agreed on between this corporation and the said Toronto, Hamilton and Buffalo Railway Company, and the grant made by this by-law is hereby declared to be subject thereto and to be payable to the said railway company in the manner and at the times set forth therein, and not otherwise, and no part of said grant shall be paid over to the said company except in accordance with, and upon fulfillment of such terms and conditions :—

1. The sum of \$225,000 granted by this by-law shall be paid to the company by the delivery to them of debentures to that amount issued under this by-law and bearing interest at four per cent. per annum from the first day of September 1895, but none of such debentures shall be so delivered to the company, until the completion of their railway as a first-class road constructed with steel rails weighing not less than eighty pounds to the yard, from Hamilton to a point on the Canada Southern Railway at or near the town of Welland or east of said town of Welland, passing through the city of Hamilton by a southern route, substantially according to the description and specification thereof, hereinafter contained; nor until the company have completed a direct connection, by a first-class line of railway, from the line of the Canada Southern Railway at Waterford, through Brantford to Hamilton, independent of the Grand Trunk Railway and of the Canadian Pacific and South Ontario Pacific Railway Companies, and connecting at Hamilton with the Toronto, Hamilton, and Buffalo Railway Company's line to a point on the Canada Southern Railway at or near to or east of the town of Welland, such railway from Brantford to Garth street in the city of Hamilton to be constructed with steel rails weighing not less than seventy pounds to the yard, nor until the said railway has been actually opened for traffic and is being so operated as to give adequate and regular daily train service, both for passengers and freight, between Hamilton and a point on the Canada Southern Railway at or near to or east of the town of Welland, and between Hamilton, Brantford and Waterford, and a through connection with the Canada Southern Railway and over that railway with the Michigan Central systems, at or near to or east of Welland and at Waterford respectively, nor until this by-law and all the conditions contained therein have been made and

declared by competent legislative authority to be binding on the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them ; and it has been provided in the company's charter that in the event of the lines now proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland, or the connecting line from Hamilton through Brantford to Waterford, or any part of said lines coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company or the South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interest of either of those companies, or being operated as part of or in alliance with any of said systems, or ceasing to be operated, as hereinbefore provided, so as to give a through connection with the Canada Southern Railway, and over that Railway with the Michigan Central systems, or in the event of the Toronto, Hamilton and Buffalo Railway Company, either directly as a company or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Brantford or any point between Brantford and Hamilton to the city of Toronto or any point near Toronto which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the company, their successors or assigns under or by virtue of the grant made by this by-law to the Toronto, Hamilton and Buffalo Railway Company shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge, prior to all other liens and charges, upon the Toronto, Hamilton and Buffalo Railway, and upon all the franchises and property of the company, and the city corporation hereby agrees to join with the Toronto, Hamilton and Buffalo Railway Company in applying for such legislation, provided that the company shall not at the time it is applied for have made default in the performance of any of the conditions of this by-law, and that the city corporation shall not be called upon to pay any share of the expense of such application.

2. The company shall, before the day appointed for taking the vote of the qualified electors upon this by-law, pay, or cause to be paid, into the Bank of Hamilton, at its head office in this city, to the credit of the American Loan and Trust Company, of Boston, Mass., the sum of \$50,000, upon the terms that if this by-law is passed, the money so deposited shall be paid out only on the cheques of the said loan and Trust Company, counter-signed by George Roach, Esquire, one of the directors of said bank, and by the city treasurer, on the production to them of vouchers establishing the expenditure of the amounts covered by such cheques, for work or labor of residents of Hamilton in the construction of said railway in the city of Hamilton and between Hamilton and Copetown,

provided

provided that a sufficient number of such workmen and laborers, resident in Hamilton, can be obtained for the active prosecution of the work, at the rate of wages current in Hamilton and its vicinity for the classes of work required, and the current rate of wages for all residents of the city shall be fixed at fifteen cents per hour for laborers employed upon work within the city of Hamilton, and twelve and a-half cents per hour for all residents of the city employed as laborers upon work on the railway outside the city, and in all cases preference shall be given to such residents of Hamilton as are willing to be employed upon the work at such current rate of wages, and are competent for the work required, and an account shall be given to the mayor of the city of Hamilton, whenever required by him, of the amounts paid out of such deposit of \$50,000, and of the purposes for which they have been paid, and the persons to whom the payments have been made.

3. The company shall build before the first day of September, 1895, and shall always maintain a first class passenger station in a central part of the city of Hamilton, and all regular passenger trains on the Toronto, Hamilton and Buffalo railway running from or through Brantford to Toronto or from Toronto to or through Brantford, or from Brantford to Welland, or Welland to Brantford, shall stop at such principal passenger station of the company in Hamilton, and all regular passenger trains running through Hamilton shall stop at such station, and the company shall also build before the first day of September, 1895, and shall always maintain a second passenger station within the limits of the city of Hamilton at some point on or near Locke street, south of Main street.

4. The debentures issued under this by-law shall bear interest at four per cent. per annum, from the first day of September, 1895, and be dated on that day, but no debentures shall be delivered to the company, nor shall the company become entitled to them or any part thereof, or to any interest thereon, unless and until the conditions contained in this by-law, with regard to the delivery of such debentures to the company have been fulfilled on their part, nor until the company shall have entered into an agreement with the city corporation to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and such agreement shall have been approved by the city solicitors or one of them.

5. If the construction of the Toronto, Hamilton and Buffalo railway line from the city of Brantford to Hamilton, or within the city of Hamilton be not actively proceeded with before the first day of November next, or if the work of construction of the line from the city of Brantford to Hamilton, or within the city of Hamilton, is not being actively proceeded with at that date, and continuously thereafter, with an average number of not less than one hundred men on each working day, so far as the weather will permit, or if the building of the railway from

Brantford

Brantford through Hamilton to a point on the Canada Southern Railway, at or near to or east of the town of Welland, is thereafter abandoned, then in any of such events this by-law shall become void and of no effect ; and it is hereby declared that time shall be of the essence of this by-law, both as to such active prosecution of the work and the continuance of the construction of the railway.

6. If, notwithstanding that the construction of the railway may have been proceeded with, as in the last preceding condition required, the said railway of the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of the town of Welland through the city of Hamilton, and the railway from Waterford through Brantford to Hamilton, connecting at Hamilton with the said line to a point on the Canada Southern at or near to or east of the town of Welland, be not completed, opened and operated in the manner set forth in the first condition of this by-law before the thirty-first day December, 1895, the grant made by this by-law shall be forfeited, and time is hereby declared to be of the essence of this condition.

7. The company shall at all times indemnify and save harmless the city corporation from and against all claims for compensation, damages or costs, by reason or on account of the construction of the said railway, and if, not less than three months before the company becomes entitled to the delivery of the debentures authorized by this by-law, notice shall be given to the city corporation of Hamilton of any claim or claims against the said company for right of way purchased or acquired by the Toronto, Hamilton and Buffalo Railway Company within the limits of the city of Hamilton, or for compensation for damage to real property taken or injuriously affected by the exercise within the city of Hamilton, of any of the powers granted for the railway, or against the city corporation for compensation, damages or costs by reason or on account of the construction of the railway within the city, the said city corporation shall retain out of any of the said debentures to which the company may have become entitled under the conditions of this by-law, an amount sufficient to pay such claims and all costs relating thereto or occasioned thereby, and shall have the right to pay any of such claims and costs, when agreed upon or legally ascertained, and to use so much of said debentures as may be necessary to enable them to make such payment or payments, but if any such claim be not prosecuted without delay, the company shall be entitled to demand, and the city corporation shall then deliver to the company, any debentures retained as security for such claim.

8. If the city council of Hamilton shall at any time by by-law open up any street or streets across any portion of the line of the Toronto, Hamilton and Buffalo Railway Company, the company shall allow any such street or streets to be so opened up across their lands and tracks without receiving any compen-

sation

sation therefor, and either by a level crossing or by a bridge or subway, as may be most convenient to the city corporation, provided that in opening up any such street the city corporation shall not interfere with the working of the railway, and if such crossing shall render necessary the removal of any switches or semaphores, or their wires or other appurtenances, they shall be removed by the company at the request of the city corporation, the cost of such removal to be paid by the city ; and if the city corporation shall desire to construct any sewers or lay any waterpipes across or through the lands of the said railway company they shall be at liberty to do so without paying compensation to the company, provided that the work is so done as not to injure or materially interfere with the working of the railway.

9. All works of construction, repair or maintenance of the Toronto, Hamilton and Buffalo Railway, and of the bridges and tunnels thereon, and of the approaches thereto upon or along the streets of the city of Hamilton, shall be done by and at the expense of the company, under the supervision and to the satisfaction of the city engineer.

DESCRIPTION AND SPECIFICATION.

The following is the description and specification of the southerly route referred to in this by-law :

The line will extend from a point in the southerly limit of the city, not more than 1,200 feet east of the intersection of Aberdeen avenue with the westerly limit of the city ; thence in a north easterly direction, crossing Aberdeen avenue and all other intermediate streets and lanes to Garth street and curving to the eastward by an open cutting crossing Garth street immediately south of Hunter street, at a depth of not less than twelve (12) feet below present grade of Garth street ; thence continuing eastwardly on said curve across Hunter street to a point at or near Poulette street, in the block between Hunter and Canada streets ; thence eastwardly parallel to Hunter street to Queen street crossing Poulette street 27 feet below present grade, Locke street 19 feet below, Pearl street 21 feet below, Ray street 21 feet below, and Queen street 20 feet below present grade of Queen street ; the grade of Queen street not to be raised more than three feet, the railway thence continuing by a double track tunnel from the west side of said Queen street through the centre of Hunter street, passing under Hess, Caroline, Bay and Park streets to the east side of Park street, where the tunnel ends. The railway will thence continue from the centre line of Hunter street at Park street, along Hunter street but keeping to the north thereof as much as practicable, leaving as much of the street on the south side of the railway as practicable for the use of teams and pedestrians.

The

The railway company shall wall up with stone or brick the south side of their track between Charles and Park streets and place a good and substantial fence upon the wall so as to leave the street safe and free on the south side of the railway track. The line thence continuing eastwardly and crossing Charles street not more than seven feet below present street grade, and Macnab street with a cutting not to exceed three feet; thence along the north half of Hunter street (leaving the south half of said Hunter street for a driveway) crossing James, Hughson and John streets practically at grade, thence curving slightly southward crossing Catharine street and entering upon the block south of Hunter street and between Catharine and Walnut streets not more than 200 feet east of the east side of said Catharine street; thence crossing Walnut, Ferguson avenue, Liberty, Aurora and Wellington streets and West and Victoria avenues, to a point not more than 200 feet immediately north of the Grand Trunk Railway; thence eastwardly along the foot of the mountain and north of the said Grand Trunk Railway not more than 250 feet from said railway to Wentworth street; thence across Wentworth street and continuing eastwardly to Sherman avenue, the eastern limit of the city, to a point in said Sherman avenue south of Mountain avenue.

Overhead wooden bridges, well and substantially built the full width of the streets, shall be constructed and maintained by and at the expense of the company over Garth, Poulette, Locke, Pearl and Ray streets, with the necessary guards and guard rails.

The company shall construct and maintain a public siding for the loading of freight cars from carts or wagons, and loading of carts or wagons from freight cars, at some point between Hunter and Main streets, adjacent to or along the east line of Garth street, and extending along said east line to a point within two hundred feet of Main street, the company to leave the present roadway on Garth street in as good condition as it is in now for the use of horses and vehicles.

The railway company shall lay down double tracks from some point near Garth street to Wentworth street exclusive of all necessary sidings and switches.

All the grade crossings of streets and avenues and all the railway tracks along the surface of the streets are to be made good up to the rails, and planked between the rails and alongside of the tracks in a substantial and workmanlike manner, by and at the expense of the company.

The highway above the tunnel on Hunter street, shall, immediately upon the completion of the tunnel, as it progresses, be filled in, and the roadway, ditches, sidewalks and street crossings thereon be made good by and at the expense of the company, and to the satisfaction of the city engineer, and no part of the tunnel shall be kept open any longer than is absolutely necessary for its completion.

During

During the construction of the tunnel, the company shall erect temporary bridges for the passage of horses and vehicles over the excavations for the railway, at the crossing of such streets between Garth and Park streets as the city engineer shall direct, provided such bridges do not interfere with the active prosecution of the work.

The company shall, at their own expense, sufficiently protect by watchmen and gates McNab, James, Hughson and John streets where they are crossed by the railway, and if at any time the railway committee of the privy council shall decide that gates or other appliances for the protection of the public shall be placed at any of the street crossings or elsewhere within the limits of the city of Hamilton, the cost of constructing and setting up and the cost of maintaining and operating such gates or other appliances shall be borne by the Toronto, Hamilton and Buffalo Railway Company.

The pipe sewer on Queen street shall at the crossing of the street by the railway be turned westerly through the railway cut and laid in that cut, the city corporation to be at liberty to lay the sewer there at the expense of the company, and all sewers and water pipes which may be interfered with by the railway company in the construction of their line may be made good, or substitutes may be made therefor by the city corporation at the expense of the company, and the supply of water and the flow of the sewers may be so maintained in the cut during the construction of the work, and all such expenses of changing or relaying sewers or water pipes and of maintaining the supply of water and the flow of the sewers, shall be paid by the company to the city corporation on demand, and if at the time the company may become entitled to any debentures, under the terms of this by-law, any such expenses shall remain unpaid by the company to the city, the amount thereof with interest from the time of demand of payment may be deducted from such debentures.

Passed this 29th day of October, A.D., 1894.

A. D. STEWART,
Mayor.

T. BEASLEY,
City Clerk.

(Seal.)

CHAPTER 69.

An Act respecting the City of London.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS the corporation of the city of London have by their petition set forth that by section 5 of the Act, passed in the 57th year of Her Majesty's reign, chaptered 71, intituled *An Act respecting the City of London*, it was provided that the corporation of the city of London might borrow an amount not exceeding \$110,000, to pay for the renewal of the bridges and large culverts in the said section referred to; and whereas, it has been ascertained that it will not require the whole of the said sum of \$110,000 for the purposes aforesaid; and whereas, the municipal council of the said corporation has, by the said petition, prayed that the said corporation may to the extent that the same are not required to pay for the renewal of the said bridges and culverts apply out of the moneys by the said section authorized to be borrowed, an amount not exceeding \$25,000, to pay for the terminals, land, and works hereinafter mentioned; and whereas the Lake Erie and Detroit River Railway Company assent to the provisions hereinafter set forth and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Application of
surplus of
funds borrow-
ed under 57 V.
c. 71, s. 5.

1. The moneys by the said section 5 of the said Act, authorized to be borrowed, may be borrowed as well to pay for the terminals, erections, works, right of way and land, hereinafter referred to, as for the said bridges and large culverts, and, out of the moneys so borrowed, the said corporation may, to the extent that the same are not required to pay for the renewal of the said bridges and culverts, apply the same (but not exceeding \$25,000), to pay for the terminals, erections and works at London, St. Thomas, and Port Stanley, and for the purchase of the right of way at Port Stanley, which are mentioned in paragraphs 3a, 33 and 18 of the lease in the said section 5 referred to, and such other land in Port Stanley as the directors of the London and Port Stanley Railway Company may require in addition to the said right of way.

2. The provisions of section 6 of the said Act shall apply to this Act as if the same were incorporated in and enacted by this Act, and the debentures issued for the said purposes may bear such rate of interest, not exceeding six per cent. per annum, as the council of the said corporation may determine.

3. The London and Port Stanley Railway Company shall be bound to secure the moneys so applied and the interest thereon to the corporation of the city of London, in like manner as they are bound by the said section 5, to secure the moneys provided to pay for the said bridges and culverts.

London and
Port Stanley
Railway, to
secure moneys
so applied by
city.

CHAPTER 70.

An Act respecting the Municipality of Neebing.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS the corporation of the municipality of Neebing, in the Provisional Judicial District of Thunder Bay, have by their petition represented that the corporation of the municipality of Neebing was incorporated by an Act passed in the 44th year of Her Majesty's reign, chapter 43, being thereby detached from the municipality of Shuniah, and that the corporation of the town of Fort William, in the said district of Thunder Bay, was incorporated by an Act passed in the 55th year of Her Majesty's reign, chapter 70, and thereby detached from the municipality of Neebing, and that by the said Act provision was made for the arrangement, apportionment and settlement of debts, assets and liabilities between the corporation of the town of Fort William and the municipality of Neebing; and whereas an apportionment and settlement of the debts, assets and liabilities of the municipality of Neebing as between the corporation of the Town of Fort William and the municipality of Neebing was concluded, which settlement is particularly set forth in Schedules A, B and C of the Act passed in the 56th year of Her Majesty's reign, chapter 63, and which settlement as set out therein in full was by said Act, in all respects, confirmed and made legal and valid for every purpose, object and intent; and whereas, pursuant to the said settlement, the only debenture debt of the corporation of the municipality of Neebing which has not been assumed by the corporation of the town of Fort William is for debentures known as "The Prince Arthur's Landing and Kaministiquia Railway Debentures," amounting to the sum of \$10,500, which will mature on the first day of July, A.D. 1895; and whereas it has been made to appear that any moneys raised on account of the sinking fund in respect of the said debenture debt have been used and expended for roads and bridges in the said municipality; and whereas the said corporation, by their petition, have prayed that the said secured debt of the said municipality of Neebing as above recited, may be consolidated, and that the said corporation may be authorized to issue debentures for

that

that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the corporation of the municipality of Neebing from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums, and not exceeding in the whole \$10,500, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or in the currency of Canada, as the corporation may deem expedient.

Issue of debentures authorized.

2. The corporation of the said municipality of Neebing may, for the purposes in section 4 thereof mentioned, raise money by way of loan on the said debentures, in this Province or in Great Britain or elsewhere, and sell and dispose of such debentures from time to time as they may deem expedient.

Power to borrow on or sell debentures.

3. The said debentures shall be payable in not more than twenty years from the issue thereof, as the said corporation may direct; coupons may be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly on the first day of the months of January and July in each and every year during the currency of said debentures at the price mentioned therein and in the coupon attached thereto, and such debentures may bear interest at any rate not exceeding five per centum per annum.

Payment of debentures and interest.

4. The said debentures and all moneys raised therefrom shall be applied as follows; in the repayment of outstanding debentures of the municipality of Shuniah which are payable by the corporation of the municipality of Neebing to the amount of \$10,500, which are better known as "The Prince Arthur's Landing and Kaministiquia Railway Debentures," and which mature on the first day of July, A.D. 1895, and to no other purpose whatever.

Application of debentures.

5. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called "The Consolidated Debenture Rate."

Special rate.

Form of debentures and by-laws.

6. The debentures issued under the preceding sections of the Act may be in the form contained in Schedule A to this Act, and the by-law or by-laws for the issue of the debentures authorized by this Act may be in the form of Schedule B to this Act.

Treasurer to keep books of account

7. It shall be the duty of the treasurer of the said corporation from time to time to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which shall from time to time be issued under the powers conferred by this Act, and the respective amounts, payment of which is hereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amount and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said corporation and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures.

Consent of electors not required.

8. It shall not be necessary to obtain the consent of the electors of the said municipality of Neebing to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act 1892*, or amending Acts.

55 V. c. 42.

Indebtedness not dis-charged.

9. Nothing in this Act contained shall be held or taken to discharge the corporation of the municipality of Neebing from any indebtedness or liability which may not be included in the said debentures to be issued under this Act.

Inconsistent provisions in Municipal Acts not to apply.

10. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest or any or either of them, or any part thereof, and

Irregularities in form not to invalidate debentures.

the purchaser or holder thereof shall not be bound to enquire as to the necessity of such by-law or issue of debentures, or as to the application of the proceeds thereof.

11. This Act may be cited as *The Neebing Debenture Act*, Short title. 1895.

SCHEDULE A.

(Section 9.)

CONSOLIDATED DEBT DEBENTURE.

No. \$
Province of Ontario, Municipality of Neebing.

Under and by virtue of *The Neebing Debenture Act, 1895*, and by virtue of by-law No. of the corporation of the municipality of Neebing passed under the provisions contained in the said Act, the corporation of the municipality of Neebing promise to pay to the bearer at in

sum of in the
day of on the

hundred and one thousand
and the half yearly coupons for interest hereto attached, as the same shall severally become due.

Dated at Fort William, in the district of Thunder Bay, this
day of A.D. 189 .

Reeve.

(Corporate seal.)

Treasurer

SCHEDULE

SCHEDULE B.

(Section 6.)

A by-law to authorize the issue of debentures
under *The Neebing Debenture Act*. Passed 189

Be it enacted by the municipal council of the corporation
of Neebing as follows :

1. The mayor and treasurer are hereby authorized and
directed to issue debentures of the said corporation to the
amount of \$ under the authority of the said Act and
for the purposes therein mentioned, which said debentures
shall have coupons thereto attached for the payment of
interest at the rate of per cent. per annum, and shall be
payable within years from the day of
at with interest at the rate aforesaid as follows,
that is to say :—

2. For the purpose of paying the sum of \$, and to
cover interest on the said amount as aforesaid, there shall be
levied by a general rate over and above all other rates (in the
same manner and at the same time as taxes are levied) upon
the whole ratable property in the town in each year during
the currency of the said debentures, or any of them, the sums
following, that is to say :—

CHAPTER 71.

An Act to consolidate the Debt of the Village of Oil Springs.

[Assented to 16th April, 1895.]

WHEREAS the corporation of the village of Oil Springs, in the county of Lambton, have by their petition represented that they have incurred debts and liabilities for various purposes to the extent of \$14,143.01, for which amount debentures have been issued under the authority of various by-laws, and are also indebted to the extent of \$3,800 for floating liabilities unsecured by debentures and unprovided for and which could not be provided for without rendering the taxation unduly oppressive to the ratepayers; and whereas the said corporation by their petition have prayed that the said secured and unsecured debts may be consolidated, and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the village of Oil Springs consisting of the aforesaid debenture debts of \$14,143.01, and the floating debt of \$3,800, are hereby consolidated at the sum of \$17,943.01, and it shall be lawful for the corporation of the said village of Oil Springs to raise by way of loan, on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons or body corporate, a sufficient sum or sufficient sums to retire the said debentures amounting to \$14,143.01 as they respectively become due, and to pay off the floating debt amounting to \$3,800, not exceeding in the whole the sum of \$18,000, exclusive of interest thereon.

2. It shall be lawful for the said corporation of the village of Oil Springs from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer, for the time being in such sums not exceeding \$18,000 in the whole as the said corporation may from time to time direct

direct and the principal sum secured by the said debentures, and the interest accruing thereon may be payable either in this Province, or Great Britain, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the corporation may deem expedient.

Power to raise money on debentures.

3. The corporation of the said village may, for the purpose in section 7 hereof mentioned, raise by way of loan on the said debentures in this Province, or in Great Britain, or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than twenty years from the issue thereof as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon and such interest shall be payable yearly at the places mentioned therein and in the coupons attached thereto and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Debentures how payable.

5. A portion of the \$18,000 of debentures to be issued under this Act shall be made payable each year for a period not exceeding twenty years from the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called the "consolidated debenture rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Application of debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the village of Oil Springs to the amount of \$14,143.01 and in payment of the floating debt of \$3,800 and in no other manner and for no other purpose whatsoever, and such debentures may be known as the "consolidated debt debentures."

Calling in outstanding debentures.

8. The treasurer of the said village shall on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent substitute therefor the said debentures

or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-laws not to be repealed until debts paid.

10. It shall not be necessary to obtain the assent of the electors of the said village of Oil Springs to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*.

Assent of electors to by-laws not required.

55 V. c. 42.

11. It shall be the duty of the treasurer, from time to time, of the said village, to keep and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said village or of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures.

Books of account to be kept.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the village of Oil Springs from any indebtedness or liability which may not be included in the said debt of the said village of Oil Springs.

Indebtedness of municipality not discharged.

13. The debentures issued under this Act may be in the form contained in schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule B to this Act.

Form of debenture and by-law.

14. Any provisions in the Act respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing

Inconsistent provisions not to apply.

ing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Short title.

15. This Act may be cited as *The Village of Oil Springs Debenture Act, 1895*.

SCHEDULE A.

(Section 13.)

No.

\$

CONSOLIDATED DEBT DEBENTURE.

Under and by virtue of *The Village of Oil Springs Debenture Act, 1895*, and by virtue of by-law No. of the corporation of the village of Oil Springs, passed under the provisions contained in the said Act, the corporation of the village of Oil Springs promise to pay to the bearer at
in the sum of on the
 day of one thousand hun-
dred and and the yearly coupons attached as
the same shall severally become due.

Dated at the village of Oil Springs, in the county of Lambton,
this day of A. D.

"

Mayor.

Treasurer.

SCHEDULE

SCHEDULE B.

(Section 13.)

By-law No. to authorize the issue of debentures under the authority of *The Village of Oil Springs Debenture Act, 1895.*

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned to be known as "consolidated debt debentures," not exceeding the sum of \$ in the whole as the corporation of the village of Oil Springs may in pursuance of and in conformity with the provisions of the said Act direct; and whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable on the day of and on the day of (*or as the case may be*) at with interest thereon at the rate of per cent. per annum, payable yearly according to the coupons to the said debentures attached; and whereas the amount of the whole ratable property of the said village of Oil Springs according to the last revised assessment roll of the said village being for the year was \$

Therefore, the municipal corporation of the village of Oil Springs hereby enacts as follows:—

1. That debentures under the said Act and for the purpose therein mentioned to be known as "consolidated debt debentures" to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable yearly on the first day of in each year.

This by-law passed in open council this day of in the year of our Lord one thousand eight hundred and ninety-

CHAPTER 72.

An Act respecting the Town of Palmerston.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS the corporation of the town of Palmerston has represented by its petition that the boundaries of the said town as described in section 2 of the Act passed in the 38th year of Her Majesty's reign chaptered 33 have never been clearly defined inasmuch as it does not appear what parts of lots 16, 17, 18, 19, 20, and 21, in the tenth concession of the township of Wallace and lots 19, 20, 21, 22, 23, 24 and 25 in the first concession of the township of Minto in the county of Wellington is or are included within the boundaries of the said town, and that no streets were expressly included in the original description; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

38 V.c. 33, s.
2, repealed.

1.—(1) Section 2 of the said Act passed in the 38th year of Her Majesty's reign chaptered 33 is repealed and the following substituted therefor:

Limits of
town of
Palmerston.

(2) The said town shall comprise and consist of the following lands and premises, that is to say, being composed of lots numbers 16, 17, 18, 19, 20, and 21, in the eleventh concession, and of parts of lots 16, 17, 18, 19, 20 and 21, in the tenth concession of the township of Wallace in the county of Perth, also of parts of lots 19, 20, 21, 22, 23, 24 and 25 in the first concession of the township of Minto in the county of Wellington, all in the Province of Ontario, together with certain parts of the several allowances for roads adjoining the said above mentioned lots, the boundaries and limits of all of which may be more particularly known and described as follows: commencing at the northeasterly angle of lot 16 in the tenth concession of said township of Wallace, thence southerly along the eastern limit of that lot thirty chains, thence westerly along a line drawn parallel with the northerly limit of lots 16, 17, 18, 19, 20 and 21 in said tenth concession to its intersection with the westerly limit of said lot 21, thence northerly along that limit

limit and along the production northerly thereof to the intersection of the centre line of the allowance for road between said townships of Wallace and Minto, thence westerly along that centre line to its intersection with the production southerly of the centre line of the allowance for road between lots 25 and 26 in said first concession of the township of Minto, thence northerly along that centre line twenty-five chains, thence easterly along a line drawn parallel with the southerly limit of lots 19, 20, 21, 22, 23, 24 and 25 in the said first concession to its intersection with the easterly limit of said lot 19, thence southerly along that limit and along the production southerly thereof to the intersection of the centre line of the allowance for road between the said townships of Wallace and Minto, thence easterly along that centre line to the intersection of the production northerly of the easterly limit of lot number 16 in the eleventh concession of said township of Wallace, thence southerly along that production and along that limit to the southeasterly angle of said last mentioned lot, thence southerly in a straight line to the place of beginning.

CHAPTER 73.

An Act respecting the Town of Port Arthur.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS, the council of the corporation of the town of Port Arthur has by its petition represented that it is expedient to declare that the provisions of section 34 of chapter 185 of the Revised Statutes of Ontario have not since the Act of 51 Victoria, chapter 57 applied, nor shall hereafter apply to the said town; that all assessment rolls finally passed of the said town should be confirmed and validated; and no objection thereto has been made on the part of any ratepayer; and whereas by the said petition it has been further represented that it would expedite and facilitate the working of the electric street railway of the said town and all municipal systems of lighting in the said town if the same were operated by commissioners; that it is expedient that the said corporation should have power to sell or lease the said railway and system of lighting and the works in connection therewith, and that the said corporation should be vested with the several powers and should obtain the requirements and declarations hereinafter mentioned; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sale of lands
for arrears of
taxes.

1. Section 34 of chapter 185 of the Revised Statutes of Ontario has not since the Act passed in the 51st year of Her Majesty's reign, chapter 57 applied, nor shall hereafter apply to the said town; and sales of lands for arrears of taxes in the said town may take place at any season of the year, nor shall it be necessary that any advertisement of any proposed sale of lands for arrears of taxes in the said town be published otherwise than in the *Ontario Gazette* and a local newspaper.

2. All assessment rolls of the said town heretofore finally passed, in so far as they affect lands sold for taxes, and all sales of lands in the said town for arrears of taxes heretofore had are hereby confirmed and validated, and notwithstanding the advertisement of any proposed sale heretofore had was not published in a newspaper in the city of Toronto designated by the Lieutenant-Governor in council, referred to in section 34 of chapter 185 of the said Revised Statutes of Ontario, but nothing in this or the preceding section shall affect any action or proceeding now pending.

Assessment
rolls and sales
of lands
validated.

3. The council of the said town may by by-law authorize the election of three commissioners to be styled and known as "Electric Railway and Light Commissioners," the said election to be held and carried on in all respects as the election of the mayor. The ratepayers entitled to vote for the election of said commissioners shall be such only as are entitled under section 308, subsection 1 thereof, of *The Consolidated Municipal Act*, 1892, to vote on any money by-law.

Election of
commis-
sioners.

55 V. c. 42.

4. The said commissioners shall be elected for three years, subject to the following provisions: On the first election held under the next preceding section the commissioners shall hold office as follows:—The one receiving the highest number of votes shall be elected for three years; the one receiving the second highest number of votes shall be elected for two years; the one receiving the third highest number of votes shall retire at the end of one year; but any commissioner shall at the expiration of his term of office be eligible for re-election. In case it appears upon the casting up of votes as aforesaid that two or more candidates have an equal number of votes, the clerk of the municipality or other person appointed by by-law to discharge the duties of clerk in his absence or on account of his incapacity through illness and whether otherwise qualified or not shall at the time he declares the result of the poll give a vote for one or more of such candidates so as to decide the election. Such commissioners shall in all respects, so far as pertains to their office, be subject to all the statutory qualifications and regulations governing municipal councillors.

Tenure of
office.

5. The duties to be performed and exercised by the said commissioners shall be:—

Duties of
commis-
sioners.

(a) To have all control and supervision over the maintenance and operation of the electric railway and electric light.

(b)

(b) To see that all receipts from the electric railway and all rents and other receipts arising from the leasing or sale of electric light or power to any person or persons are duly accounted for and paid into the hands of the town treasurer forthwith.

(c) To audit and certify all accounts for supplies and wages of said railway or lighting system during each and every month and cause the same to be filed in duplicate with the town clerk on or before the 6th day of the following month.

(d) To file with the said clerk not later than 12 o'clock noon on the second Monday in each month a full and detailed report of the state and condition of the said railway and light system together with all matters pertaining to the working thereof.

CHAPTER 74.

An Act to confirm By-law Number 695 of the Town of Port Hope.

[Assented to 16th April, 1895.]

WHEREAS the municipal council of the town of Port Hope have by their petition shown that by an Act passed in the 45th year of Her Majesty's reign, chapter 41, intituled *An Act to enable the Corporation of the Town of Port Hope to incur liability for the Construction and Extension of Waterworks and for other Purposes*, authority was given to them to borrow money for the purpose of extending and enlarging the waterworks for the town and for other purposes mentioned in the Act, not exceeding in the whole \$20,000, and to issue the necessary debentures therefor; that by another Act passed in the 57th year of Her Majesty's reign, chaptered 79, and intituled *An Act to consolidate the Debt of the Town of Port Hope and for other Purposes*, authority was given to them to incur a further debt or liability to the amount of \$10,000 for the extension and enlargement of the said waterworks, over and above and in addition to the said sum of \$20,000 above mentioned, and by the said Act it was declared that the said Act passed in the 45th year of Her Majesty's reign, chapter 41, above mentioned, was in full force and effect; that they were advised that a by-law might be passed pursuant to the authority conferred by the said Acts to raise the sum of \$30,000 upon debentures and that such debentures might be made payable in equal annual instalments, both as to principal and interest, thus dispensing with the creation of a sinking fund, and by by-law number 695, passed by them on the 19th day of November, 1894, authority was given to borrow the said sum of \$30,000 and to issue debentures therefor, payable in equal yearly instalments commencing in the year 1896 and ending in the year 1925; that the votes of the electors of the town of Port Hope were taken upon the said by-law in accordance with the provisions thereof, and the said by-law was approved of by the said electors by a vote of about two to one in favor thereof; that relying upon the authority conferred by the said by-law to borrow the said money and issue the said debentures, tenders were advertised for and a contract was duly entered into with certain

certain persons for the execution of the necessary works of enlargement and improvement in connection with said water-works, and tenders were also advertised for, for the purchase of the debentures to be issued under the said by-law, and one of the tenders was duly accepted; that they have been informed that the counsel to whom the purchaser of said debentures referred the question for opinion as to the legality of the issue has expressed the opinion that upon the true construction of the said Act passed in the 45th year of Her Majesty's reign, chapter 41, and of the said Act passed in the 57th year of Her Majesty's reign, chaptered 79, it is doubtful whether there was power to make the said debentures payable in equal annual instalments as above mentioned, and whether a sinking fund should not have been created for the payment thereof when the same became due, the interest only in the meantime being paid; that they have only just learned of the objection to the said by-law, and unless the said by-law be legalized by an Act of the Legislature they will be greatly embarrassed and may be unable to raise the necessary money to proceed with the works contracted for, and they have been advised that debentures issued, payable at the end of the period authorized with a sinking fund created for such payment, cannot be as readily and advantageously disposed of by them as debentures issued in accordance with the terms of the said by-law; and that the said by-law has received the assent of a large majority of the electors; and that it is desirable to remove the said doubts and to confirm the said by-law, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.
695 confirmed.

1. By-law number 695, passed by the municipal corporation of the town of Port Hope on the 19th day of November, A. D. 1894, a copy of which is set forth in schedule A to this Act, is hereby ratified and confirmed and declared to be legal and binding.

Debentures
confirmed.

2. The debentures to be issued pursuant to the said by-law shall be and are hereby declared to be valid and binding.

SCHEDULE.

BY-LAW No. 695.

A by-law to raise by way of debentures the sum of thirty thousand dollars for the purpose of altering and extending the waterworks now existing in the town of Port Hope, and establishing a system of waterworks sufficient for the supply of water for domestic purposes as well as for the extinguishment of fires, and laying down water pipes in the streets of the said town, and of extending, enlarging and altering such waterworks and water pipes, and for acquiring lands in any way necessary for such purposes, and to authorize the issue of debentures therefor. Passed November 19th, 1894;

Whereas by an Act passed by the Legislature of Ontario in the forty-fifth year of Her Majesty's reign, chaptered 41, and intituled *An Act to enable the Corporation of the Town of Port Hope to incur Liability for the Construction and Extension of Waterworks, and for other Purposes*, it was enacted and declared that "notwithstanding any law in force to the contrary, it shall be lawful for the corporation of the town of Port Hope to incur such further debt or liability as it may deem expedient and necessary, and as it may be lawful for the said corporation to incur under the provisions of the laws respecting municipal institutions in the Province of Ontario, but not exceeding in the whole twenty thousand dollars, for the purpose of extending and enlarging the present waterworks for the said town, and laying down water pipes in the streets of the said town, and of extending, enlarging and altering such waterworks and water pipes, and for acquiring lands in any way necessary for such purposes from time to time as the council of the said corporation and duly qualified rate-payers in that behalf may determine, but under and in pursuance of the provisions of the said Municipal Act ;"

And whereas by *The Port Hope Debenture and Waterworks Act 1894*, section 19, it is enacted that "notwithstanding anything contained in the said Act passed in the 49th year of Her Majesty's reign, chaptered 64, it is hereby declared that the Act passed in the 45th year of Her Majesty's reign, chaptered 41, and intituled *An Act to enable the Corporation of the Town of Port Hope to incur Liability for the Construction and Extension of Waterworks and for other Purposes*, shall be of full force and effect. Notwithstanding, however, the provisions contained in the said last mentioned Act, it shall be lawful for the corporation of the town of Port Hope to incur a further debt or liability to the amount of ten thousand dollars for the extension and enlargement of the waterworks of the said town over and above and in addition to the sum of twenty thousand dollars mentioned for such purpose in the said Act, and the said Act is hereby amended accordingly ;"

And

And whereas it is necessary to raise the sum of thirty thousand dollars under the authority of the said recited Acts for the purpose of altering and extending the waterworks now existing in the town of Port Hope and establishing a system of waterworks sufficient for the supply of water for domestic purposes, as well as for the extinguishment of fires, and for acquiring lands in any way necessary for such purpose ;

And whereas it will require the sum of nineteen hundred and fifty-one dollars and fifty-four cents (\$1,951.54) to be raised annually by special rate for the payment of the said debt and interest, over and above all other rates and assessments ;

And whereas the amount of the whole rateable property of the said corporation according to the last revised assessment roll amounts to one million five hundred and forty-two thousand five hundred and sixteen dollars (\$1,542,516) ;

And whereas the amount of the existing debenture debt of the said corporation is one hundred and ninety-eight thousand two hundred dollars, and no principal or interest is in arrear ;

Therefore the municipal council of the corporation of the town of Port Hope enacts as follows :

1. That it shall be lawful for the mayor of the said town of Port Hope, for the purposes aforesaid, to borrow the sum of thirty thousand dollars, and to issue debentures of the said municipality to the amount of thirty thousand dollars in sums of not less than one hundred dollars each, payable in the manner, for the amounts and at the times hereinafter more particularly mentioned.

2. That the said debentures shall have attached to them coupons for the payment of interest at the rate of five per centum per annum, which coupons shall be signed by the mayor and treasurer and shall be made payable on the second day of January and July in each and every year during the continuance of said debentures.

3. That a portion of the said debentures issued under this by-law shall be made payable on the second day of January in each and every year for a period of thirty years so that the sum to be levied for principal and interest shall be as nearly as may be equal in each year, and the said sum to be raised and levied annually as aforesaid is hereby fixed at one thousand nine hundred and fifty-one dollars and fifty-four cents (\$1,954.51) which amount shall be raised by a special rate, sufficient therefor, on the whole rateable property of the said corporation, over and above all other rates, and to be called the waterworks rate.

4. That the principal and interest on the debentures issued under this by-law shall be payable at the Bank of Toronto in Port Hope.

5. That the yearly instalments of principal on the said debentures shall be payable on the second day of January in each and every year and the half-yearly payments of interest

on the said debentures being also paid as provided for in section two (2) of this by-law the total payments of principal and interest in each and every year shall be as follows:

Year.	Principal.	Interest.	Total.
1896	\$451 54	\$1,500 00	\$1,951 54
1897	474 12	1,477 42	1,951 54
1898	497 82	1,453 72	1,951 54
1899	522 72	1,428 82	1,951 54
1900	548 84	1,402 70	1,951 54
1901	576 30	1,375 24	1,951 54
1902	605 10	1,346 44	1,951 54
1903	635 36	1,316 18	1,951 54
1904	667 14	1,284 40	1,951 54
1905	700 48	1,251 06	1,951 54
1906	735 52	1,216 02	1,951 54
1907	772 28	1,179 26	1,951 54
1908	810 90	1,140 64	1,951 54
1909	851 44	1,100 10	1,951 54
1910	894 02	1,057 52	1,951 54
1911	938 72	1,012 82	1,951 54
1912	985 66	965 88	1,951 54
1913	1,034 94	916 60	1,951 54
1914	1,086 70	864 84	1,951 54
1915	1,141 02	810 52	1,951 54
1916	1,198 08	753 46	1,951 54
1917	1,257 98	693 56	1,951 54
1918	1,320 88	630 66	1,951 54
1919	1,386 93	564 61	1,951 54
1920	1,456 28	495 26	1,951 54
1921	1,529 10	422 44	1,951 54
1922	1,605 55	345 99	1,951 54
1923	1,685 83	265 71	1,951 54
1924	1,770 12	181 42	1,951 54
1925	1,858 63	92 91	1,951 54
	<hr/>	<hr/>	<hr/>
	\$30,000 00	\$28,546 20	\$58,546 20

6. That this by-law shall take effect on the thirtieth day of November A.D. one thousand eight hundred and ninety-four.

7. That the votes of the electors of the said town of Port Hope shall be taken on this by-law at the following times and places, that is to say, on Monday, the fifteenth day of October next, at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day:

In ward number one, at the engine house on King street, W. G. Stevenson, deputy returning officer.

In ward number two, at the town hall, Thomas Spry, deputy returning officer.

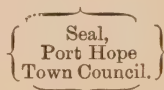
In ward number three, at the residence of Mrs. William Rowland, on Brown street, H. B. Hales, deputy returning officer.

8. On Monday, the 8th day of October, the mayor shall attend at the council chamber at 10 o'clock a.m., to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk, respectively, on behalf of the persons interested in and desirous of promoting or opposing the passing of this by-law.

9. The clerk of the said municipality shall attend at the council chamber in the said town at 10 o'clock in the forenoon, of the 16th day of October, A.D. 1894, and sum up the number of votes given for and against this by-law.

Dated at the town of Port Hope this 19th day of November, A.D. 1894.

H. V. SANDERS,
Town Clerk.



CHAPTER 75.

An Act to enable the Corporation of the Town of Port Hope to issue Debentures for High School purposes.

[Assented to 16th April, 1895.]

WHEREAS the corporation of the town of Port Hope have by their petition, represented that the Port Hope High School Board has, within the present year, duly made application to the municipal council of the said town, in the manner provided in *The High Schools Act 1891*, for the sum of \$10,000, required by the said board for permanent improvements, namely for the erection of a new high school building and the purchase of a site therefor; and that the said municipal council approves of such application, and desires to issue debentures therefor in the manner provided in the said *The High Schools Act 1891*; but that by section 9 of an Act passed in the 49th year of Her Majesty's reign and chaptered 64, the corporation is prevented from incurring any further debt or liability than is provided for in the said Act, except the yearly current expenses to be paid out of the annual assessment; and that the debt or liability, provided for in the said Act, has been incurred; and that the high school building, at present in use in the said town, is inadequate to the requirements of the said town, and unsuitable in many respects for the purposes of a high school, and the educational interests of the said town and the surrounding country are seriously prejudiced by the want of a proper building and equipment for the said high school; and have prayed that they may be enabled to incur a further debt or liability, to the extent of \$10,000, by the issue of debentures, in the manner provided in *The High Schools Act 1891*, for the purposes aforesaid; and whereas no one has appeared to oppose the said petition; and whereas it is expedient to grant the prayer of the said petition;

Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding the provisions of section 9 of the said Act passed in the 49th year of Her Majesty's reign, chaptered 64, or any other provision in the same or any other Act, it shall

Power to issue debentures for \$10,000 for erection of high school.

54 V. c. 57.

shall be lawful for the corporation of the town of Port Hope to incur a further debt or liability to the extent of \$10,000, and to issue debentures therefor in the manner provided in *The High Schools Act 1891*, for the purpose of complying with the application made by the Port Hope High School Board for the said sum of money, required by the said board for permanent improvements, namely for the erection and equipment of a new high school building, and (if considered advisable by the said board) for the purchase of a new site therefor.

Application
of moneys
borrowed.

2. The moneys to be raised as aforesaid shall be applied to the purposes aforesaid and to and for no other purpose whatsoever.

CHAPTER 76.

An Act respecting the Town of Prescott.

[Assented to 16th April, 1895.]

WHEREAS the corporation of the town of Prescott have Preamble.
 by their petition represented that a certain company known as The Prescott Elevator Company (Limited), incorporated under *The Companies' Act*, by letters patent under the great Seal of the Dominion of Canada propose to erect the necessary buildings and machinery for the purpose of carrying on their business and operations as defined in the said letters patent, within the limits of the said town, and have further represented that by the closing up and removal of the workshops of The St. Lawrence and Ottawa Railway Company and The St. Lawrence Manufacturing Company, and other causes, disastrous loss to the town has resulted, and many of the inhabitants of the said town have been thrown out of employment, but will be employed and be otherwise benefited by reason of the establishment of the said industrial enterprise; and whereas, for a reasonable and sufficient length of time, prior to the holding of the municipal elections in the said town for the year 1895, ample notice was given of the intention of the said corporation to apply for the power to grant the aid to the said elevator company hereinafter mentioned, and that a poll would be opened on said election day for the purpose of taking the votes of the ratepayers entitled to vote on by-laws creating debts under *The Consolidated Municipal Act 1892*, 55 V. c. 42. and ballots were provided at said election, and a poll-book prepared containing the names of all persons entitled to vote on such by-laws, amounting to 453 names of persons so entitled; and at said elections and poll 336 persons so entitled to vote polled their votes in favor of the proposition to grant such aid, and only 3 persons so entitled to vote recorded their votes against said proposition, showing as a result that more than two-thirds of said ratepayers were in favor of the legislation and aid proposed; and whereas, the said corporation have by their said petition prayed that, in order to repair the said loss and to furnish employment to the said inhabitants, special powers may be given to the said corporation to enable them to secure the establishment within the said town of Prescott of the said works of the said company; and whereas,

28 s. the

the circumstances of the said town of Prescott, for the reasons aforesaid, are exceptional, and the expression of opinion of said ratepayers nearly unanimous and the enterprise of the said company a new one; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Purchasing
lands and
granting same
to company.

1. It shall be lawful for the corporation of the town of Prescott to purchase property within the said town and to grant the same or cause the same to be granted by way of bonus to the said company, provided the aggregate sum required to purchase said property does not exceed the sum of \$6,000, and to exempt from taxes, rates and assessments, both school, municipal and special, for a period not exceeding twenty years the whole property of the said company.

Exempting
from taxation.

Granting
money in lieu
of land.

2. In lieu of said purchase and grant of property, it shall be lawful for the said corporation to give, grant and pay over to the said company a sum of money not exceeding \$6,000, or if the sum paid for said property does not amount to \$6,000 the said corporation may supplement the same by gift and payment over of the difference in money between the amount paid for the said property and the said sum of \$6,000, and at the same time give the exemption from taxation aforesaid, and to do all other acts in the premises, as if the power to grant bonuses was still vested in the municipalities.

Assent of
electors not
required.

3. It shall not be necessary to obtain the assent of the electors of the said town of Prescott for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act 1892* with regard to by-laws for the creating of debts.

55 V. c. 42.

Applications
of provisions
of 55 V. c. 42.

4. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act 1892*, relating to the creation of debts, the issue of debentures, and the time and manner of repayment of the same, shall apply and be read as part of this Act.

CHAPTER 77.

An Act to confirm By-law No. 263 of the Village of Preston.

[Assented to 16th April, 1895.]

WHEREAS the corporation of the village of Preston have Preamble.
 by their petition represented that the said corporation passed a by-law numbered 263 intituled "A by-law for granting aid by way of loan for the promotion of certain manufactures within the limits of the village of Preston," wherein it was enacted that the said corporation might aid one John Ballantyne for the erection of a factory or foundry for the manufacture of woodworking machinery within the limits of the corporation of Preston, by lending him the sum of \$10,000 repayable with interest at five per centum per annum within the period of ten years, in pursuance of the terms of said by-law; and whereas there is no other industry of a similar nature established within the limits of the said corporation; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Consolidated Municipal Act 1892*, and about three-fourths of the said ratepayers qualified to vote as aforesaid voted in favor of the said by-law, and only one ratepayer opposed same; and whereas the said corporation by their petition have prayed that the said by-law may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The said by-law No. 263 of the corporation of the village of Preston intituled as in the preamble to this Act and set out in schedule "A" to this Act, is hereby confirmed and declared to be valid and binding from the time of the passing thereof, to all intents and purposes, and the said corporation is declared to have been authorized by said by-law No. 263, to grant aid by way of loan to John Ballantyne therein mentioned, to the extent of \$10,000 repayable with interest at five per centum per annum within the period of ten years, in pursuance

By-law No.
263 confirmed.

suance of the terms of said by-law, and all acts done or to be done and all payments made or to be made by the said corporation, pursuant to the said by-law No. 263, are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

SCHEDULE A.

BY-LAW NUMBER 263.

A By-law for granting aid by way of loan for the promotion of certain manufactures within the limits of the corporation of the village of Preston.

Whereas John Ballantyne of the town of Galt in the county of Waterloo, gentleman, has applied to the municipal council of the said corporation of the village of Preston to aid him by lending him the sum of ten thousand dollars on condition that he shall without delay erect a factory or foundry within the limits of the corporation of Preston, to be built of stone and one story in height, to be 200 feet long and 100 feet in width and to be furnished and completed with all suitable machinery for the manufacturing of woodworking machinery, and costing at least fifteen thousand dollars the same to be completed and in running order on or before the first day of October, 1894, and shall repay the said loan in and by ten equal consecutive annual instalments of \$1,000 each, payable on the thirty-first day of December in each year commencing with the year 1895 with interest from the thirty-first day of December, 1894, payable at the like times annually on the whole of said principal money from time to time remaining unpaid, unless the same shall become due sooner by reason of any breach of conditions as hereinafter mentioned and upon the further condition that the said Ballantyne will run the said factory for at least ten months in each year and will employ whilst in operation during the term of ten years from after the first day of October, 1894, at least forty persons or employees (no one of whom shall be less than fifteen years of age) and who shall be engaged in the running and working of his said factory situate within the limits of the said village of Preston during the said entire term of ten years; and the said Ballantyne shall enter into a written agreement with the said corporation to do all things hereinbefore mentioned as to be done on his part and that in failure in performance or breach of any one or more of the said conditions the said John Ballantyne shall immediately thereafter repay to the said corporation the said loan with interest thereon at the said rate to the time of payment, and as a further condition the said Ballantyne shall at or before

the time the said money shall be lent to him under the provisions of this by-law give security satisfactory to the said corporation by way of first mortgage on the said factory or foundry and the machinery therein for the observance of said conditions and the repayment of the said loan with the interest thereon ;

And whereas in order to aid the said John Ballantyne by lending him the said sum of ten thousand dollars for the purposes and upon the conditions aforesaid it is necessary and intended by this by-law to create a debt on the part of the said corporation to the amount of ten thousand dollars and to provide for the issue of debentures therefor ;

And whereas it is requisite to raise annually by special rate during said term for paying the said debt and interest the sum of \$1,295.10 ;

And whereas the amount of the whole rateable property of the said municipality is \$566,305.00 according to the last revised assessment roll ;

And whereas the amount of the existing debenture debt of the said municipality is \$22,425.23 no part of which either for principal or interest is in arrears ;

Be it therefore enacted by the corporation of the village of Preston by the municipal council thereof in council duly convened and assembled and it is hereby enacted as follows :—

1. That it shall and may be lawful for the municipal council of the corporation of the village of Preston to aid the said John Ballantyne for the erection of a factory or foundry for the manufacture of woodworking machinery within the limits of the corporation of Preston in manner aforesaid by lending him the sum of ten thousand dollars repayable with interest at five per centum per annum within the period of ten years (unless the same shall become due and payable by reason of the breach of any one or more of the conditions or restrictions attached to such loan) conditioned for the repayment thereof by the instalments, and as hereinbefore mentioned.

2. That it shall and may be lawful for the reeve of the said corporation to cause to be raised by way of loan the aforesaid sum of ten thousand dollars for the purpose hereinbefore mentioned from any person or persons or body or bodies corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned and to cause the same to be paid to the treasurer of the said village.

3. Debentures of said municipality sealed with its corporate seal and signed by the said reeve and treasurer shall be issued to the amount of the said sum of ten thousand dollars and shall be made for the respective amounts and payable on

the thirty-first day of December in the respective years following, that is to say:—

In the year 1895 the sum of \$795.10.

In the year 1896 the sum of \$834.90.

In the year 1897 the sum of \$876.60.

In the year 1898 the sum of \$920.40.

In the year 1899 the sum of \$966.40.

In the year 1900 the sum of \$1,014.80.

In the year 1901 the sum of \$1,065.50.

In the year 1902 the sum of \$1,118.80.

In the year 1903 the sum of \$1,174.70.

In the year 1904 the sum of \$1,232.80.

And the said debentures shall have attached thereto coupons for the payment of the interest thereon.

4. That the said debentures shall bear interest at the rate of five per centum per annum from the thirty-first day of December, 1894, and such interest shall be payable yearly thereafter on the thirty-first day of December during the currency of the said debentures respectively.

5. The said debentures as to principal and interest shall be payable at the office of the Merchant's Bank of Canada in Preston.

6. For the purpose of paying the said debt and interest the said sum of twelve hundred and ninety-five dollars and ten cents shall be raised and levied in each year during the currency of the said debentures or any of them by a special rate sufficient therefor on all the rateable property in the said municipality.

7. That a poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon in the council chambers in the said village of Preston on Saturday the 21st day of April in the year of our Lord 1894, commencing at the hour of nine o'clock in the forenoon and closing at five o'clock in the afternoon, and that the returning officer for taking the said votes shall be William Anthony Husband, the clerk of the said council.

8. That the said clerk shall sum up the number of votes given for and against the by-law at the said council chambers on the said 21st day of April, 1894, immediately after the closing of the said poll.

9. The reeve of the said village will attend at the said clerk's office in the said village on Thursday, the nineteenth day of April, 1894, at the hour of ten o'clock in the forenoon, to appoint persons to attend at the polling place and at the

final summing of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passage of the by-law respectively.

10. That this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the Legislature of the Province of Ontario.

(Signed) GEORGE A. CLARE,

Reeve.

WILLIAM A. HUSBAND,

Clerk.

CHAPTER 78.

An Act respecting the City of St. Catharines.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS the municipal corporation of the city of St. Catharines have, by their petition, represented that the debenture debt of the municipality, amounting to \$790,000, has been consolidated by an Act passed in the 56th year of Her Majesty's reign, and chaptered 79, and that debentures payable in forty years were thereby authorized to be issued from time to time for redemption of said debenture debt under by-laws to be passed for that purpose, and therein to provide a sinking fund for the payment thereof at maturity; that prior to the passing of the said Act no sinking fund had been levied, and debentures to the amount of \$170,000 have since been issued under the provisions of the said Act, to meet old debentures maturing in 1893, which debentures, amounting to \$170,000, have been already negotiated, and over \$400,000 more of the said old debentures will mature in the year 1896 and be redeemed by the issue of new debentures under the said Consolidating Act; that the municipal council of the said corporation acting under the belief that they were only bound to provide a sinking fund for the redemption of debentures to be from time to time issued under the said Act consolidating the debenture debt of said corporation, levied in 1894, the sum of \$2,000 as the commencement of a sinking fund, such yearly sum being considered by them sufficient (if properly invested) to provide for the redemption of the debentures already issued under the said consolidating Act, the intention being to increase the amount to be levied for said sinking fund from time to time and as often as further debentures were required to be issued under the said Act to redeem the debenture debt existing at the time of the consolidation thereof, to an amount sufficient for the redemption of such new issues; that the said corporation have not for several years past raised any sinking fund on their old debenture debt and on account of depression in business and the high rate of taxation in said municipality, the immediate raising of a sinking fund for the redemption of the whole debenture debt of said city would be oppressive and very in-

jurious

jurious to its future prospects; and whereas in and by the said petition the said corporation have asked that they should be relieved from levying a sinking fund rate for the years 1893 and 1894, over and above the amount already levied in 1894 for that purpose, and that it should be declared the members of the council of the said corporation of the city of St. Catharines are not and were not subject to the penalties or disqualification mentioned in sub-section 5 of section 373 of said *Consolidated Municipal Act, 1892*, as amended by section 9 of *The Municipal Amendment Act, 1893*, and are eligible to hold the office of mayor and aldermen of the said city for the years 1895 and 1896 respectively, notwithstanding any of the provisions of section 373 of said *Consolidated Municipal Act*, amended as aforesaid, and whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the city of St. Catharines are not required to levy any sum over and above the amount already levied to provide a sinking fund for the payment of the debenture debt of the said city for the years 1893 and 1894. Levy of sinking fund for 1893, 1894.

2. Sub-section 5 of section 373 of *The Consolidated Municipal Act, 1892*, as amended by section 9 of *The Municipal Amendment Act, 1893*, is hereby declared to apply only to the levying of a rate to provide a sinking fund for the payment of such debentures as have already been issued and may hereafter be issued from time to time by the corporation of the city of St. Catharines under the provisions of the Act passed in the 56th year of Her Majesty's reign, chaptered 79, consolidating the debenture debt of the said municipality, and from the date of their respective issues. Application of 55 V. c. 42, s. 373; 56 V. c. 35, s. 9.

3. The mayor and aldermen of the council of the corporation of the city of St. Catharines for the years 1893 and 1894, are hereby relieved from the penalties or disqualification mentioned in sub-section 5 of section 373 of *The Consolidated Municipal Act, 1892*, as amended by section 9 of *The Municipal Amendment Act, 1893*, and are hereby declared eligible to hold the offices of mayor and aldermen of said city respectively for the years 1895 and 1896, notwithstanding anything contained in said section 373 of *The Consolidated Municipal Act, 1892*, so amended as aforesaid. Mayor and aldermen relieved from penalties imposed by 56 V. c. 35, s. 9. 55 V. c. 42.

4. Nothing in this Act contained should prejudice or affect the question of costs of any action or proceeding now pending. Costs of pending actions.

CHAPTER 79.

An Act to confirm By-Law Number 944 of the City of St. Catharines.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS the municipal corporation of the city of St. Catharines and The St. Catharines and Niagara Central Railway Company have by their joint petition represented that \$40,000 of debentures issued by the said corporation under the provisions of by-law Number 354, passed by said corporation in aid of the said company, are now held by Bernard King and Richard Peterson, surviving trustees, to be delivered by them to the said company upon the fulfillment of certain conditions expressed in said by-law 354 and agreement and resolution referred to in by-law Number 944, passed by the said corporation on the 8th day of October, A.D. 1894, and which said last mentioned by-law is set out in Schedule A to this Act; and whereas the said corporation are the holders of a joint and several bond entered into by Lucius S. Oille and five other directors of the said company, dated the 18th day of July, A.D. 1888, conditioned as set forth in the said by-law Number 944; and whereas the said company have proposed to the council of the said corporation to surrender and redeliver to the said corporation the said \$40,000 of debentures so remaining in the hands of the said trustees upon condition that the said bond be delivered up by the said corporation to the said company for cancellation; and whereas said by-law Number 944 was passed by the council of said corporation for the purpose of carrying into effect the said proposed arrangement, subject however, to confirmation by the Legislature of the Province of Ontario; and whereas the said corporation and the said railway company have by their petition prayed that an Act may be passed legalizing and confirming the said by-law, and for such other legislation as may be necessary to carry the same into effect; and whereas a large majority of the rate-payers of the said city of St. Catharines have also petitioned for such Act; and whereas it is expedient to grant the prayer of said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-law passed by the municipal council of the corporation of the city of St. Catharines on the 8th day of October, A. D. 1894, numbered 944, and intituled a by-law "To carry into effect certain proposed arrangements between the corporation of the city of St. Catharines and The St. Catharines and Niagara Central Railway Company," a copy of which by-law is set out in Schedule A to this Act, is hereby legalized, confirmed, and declared to be valid and binding upon the said municipal corporation and the said railway company respectively.

By-law 944,
respecting The
St. Catharines
and Niagara
Central R.W.
Co confirmed.

2. The provisions of the said by-law shall have the same force and effect as if the same were incorporated in and enacted by this Act, and the said municipal corporation and company are hereby authorized and empowered to carry out the arrangement proposed and set forth in the said by-law number 944.

Provisions of
by-law incor-
porated in
Act.

3. The said Bernard King and Richard Peterson, trustees, are hereby authorized and required upon the requisition of the said company to that effect, to re-deliver to the said corporation the said \$40,000 of debentures—held by them in trust under the provisions of by-law 354 referred to in the preamble to this Act.

Debentures
held in trust
under by-law
354 to be
delivered up
to city.

SCHEDULE A.

BY-LAW No. 944.

To carry into effect certain proposed arrangements between the corporation of the city of St. Catharines and The St. Catharines and Niagara Central Railway Company.

Whereas under the provisions of by-law No. 354, passed by the corporation of the city of St. Catharines on the 24th day of November, A. D. 1881, an agreement by The St. Catharines and Niagara Central Railway Company with said corporation, bearing date the 3rd day of December, A. D. 1883; a resolution passed by the council of said corporation bearing date the 5th day of December, A. D. 1883; and an Act of the Legislature of Ontario assented to on the 25th day of March, A. D. 1884, and numbered 72, debentures were issued by said corporation to the extent of \$80,000 to aid the said company in the construction of their said railway, and were placed in the hands of Bernard King, Richard Peterson, and James Norris, trustees, duly appointed to hold the same, in trust, subject to the terms and conditions expressed in said by-law, agreement, and resolution;

And

And whereas \$40,000 of said debentures have been handed over to the said company and a like amount still remains in the hands of the said Bernard King and Richard Peterson, the two surviving trustees, subject to the fulfillment by the said company of certain conditions expressed in said by-law, agreement, and resolution as aforesaid;

And whereas under the provisions of by-law No. 512 passed by the council of said corporation on the 15th day of June, A. D. 1886, debentures of the said company were guaranteed to the extent of \$80,000 by the said corporation;

And whereas certain directors of said company, to wit: Lucius S. Oille, Sylvester Neelon, W. W. Greenwood, Henry A. King, John Carroll, and Edward A. Smyth, did execute and deliver to the said corporation their joint and several bond, bearing date the 18th day of July, A. D. 1888, conditioned to indemnify the said corporation against the payment of interest upon \$40,000 of said guaranteed debentures until the said railway should be built to a point at or near the city of Hamilton;

And whereas large arrears of interest are due (by the obligors on said bond) and the said company have proposed to this council to surrender all claim of right to the \$40,000 of said debentures so remaining in the hands of said trustees, and consent that such debentures shall be re-delivered to this corporation by the said trustees, free from any claim of right thereto by said company, upon condition that the said bond executed by the said Lucius S. Oille and others be delivered up by this corporation to the said company to be cancelled, such proposed arrangement to be subject to approval and confirmation by the Legislature of Ontario;

And whereas the board of directors of said company have passed a resolution to the effect set forth in the last preceding clause and submitted the same to this council, together with a large petition of the ratepayers, electors of said corporation, praying that said proposed arrangements be carried into effect;

And whereas it is expedient that the said proposed arrangement be carried out as prayed for in said petition;

Be it therefore enacted by the municipal corporation of the city of St. Catharines:

1. That upon the surrender of the said The St. Catharines and Niagara Central Railway Company and delivery up to be cancelled to the treasurer of the said the corporation of the city of St. Catharines by the surviving trustees in the recital mentioned of the \$40,000 of debentures issued by the said corporation under the provisions of said by-law No. 354, the said agreement and resolution and the said Act of the Ontario Legislature in the recital mentioned, now remaining in their hands as aforesaid, within one month after the sanction and legalization of this by-law by the said Ontario Legislature, the mayor, treasurer, or other officer of the said corporation having the charge or custody of the bond entered into by the

said

said Lucius S. Oille and others in the recital hereof mentioned is hereby authorized and required to deliver up the same to the said company for cancellation.

Provided that this by-law shall not come into force until such time as the same is sanctioned and legalized by an Act of the Legislature of Ontario to be applied for by the said corporation and company jointly, but at the expense of the latter.

Adopted and passed on the 8th day of October, A.D. 1894.

(Sgd.) D. ROBERTSON,
Mayor.

[Seal.]

(Sgd.) J. ROLLISON,
City Clerk.

CHAPTER 80.

An Act to legalize and confirm By-law No. 10 of 1895 of the Town of St Mary's regulating a fixed Rate of Taxation for Farming Lands in the said Town.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS, a petition was presented to the Legislature praying that certain farm lands should be separated from the town of St. Mary's and annexed to the township of Blanshard; and whereas, a Bill has been introduced at the present session of the Legislature to separate said farm lands from the town of St. Mary's and annex the same to the township of Blanshard; and whereas, on the consideration of said Bill an arrangement and agreement was entered into between the town of St. Mary's and the owners of farm lands therein as set out in the by-law passed by the municipal council of the said town of St. Mary's, numbered 10, A.D. 1895, a copy of which by-law is set out in schedule A to this Act; and whereas, the parties interested and the said municipal council have prayed that an Act may be passed to confirm and legalize the said by-law; and whereas, it is expedient to grant the prayer of said petitioners;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.
10, 1895, con-
firmed.

1. The said By-law No. 10, A.D. 1895, of the town of St. Mary's, as set out in schedule A hereto, shall be, and the same is hereby confirmed and declared legal and valid and binding upon the parties owning farm lands as set out in the said by-law, and upon the said town of St. Mary's, notwithstanding anything contained in any law to the contrary.

SCHEDULE A.

BY-LAW No. 10, A.D. 1895.

To provide a fixed rating for lands used as farm lands only within the Town of St. Mary's.

Whereas, a Bill was presented to the Legislative Assembly of the Province of Ontario, for excluding and detaching from the town of St. Mary's and annexing to the township of Blanshard, in the county of Perth, the following lands and premises, being the north part of lots twelve, thirteen, fourteen and fifteen, abutting on the south boundary of the township of Blanshard, in the said town of St. Mary's; lots twenty-one and twenty-two, in the seventeenth concession of the township of Blanshard, now town of St. Mary's; lots twenty-one and twenty-two in the eighteenth concession of said township of Blanshard, now town of St. Mary's; lot thirty-six, Thames concession, of said township of Blanshard, now town of St. Mary's; those parts of lot thirty-five in said Thames concession lying southeasterly of Water street in the said town of St. Mary's; that portion of lot twenty-five in said Thames concession lying south of Elgin street in said town of St. Mary's; those parts of lot seventeen in the fifteenth concession of said township, and lots nineteen, twenty and twenty-one of said Thames concession, lying north of the Grand Trunk Railway Company's track in said town, and the south part of lots sixteen and seventeen in said Thames concession, now in the town of St. Mary's, all formerly in said township of Blanshard;

And whereas, consideration of the said Bill coming up before the Private Bills Committee of the said Legislative Assembly on the 20th day of March, 1895, the promoters of said Bill and the council of said town were heard;

And whereas, thereafter it was arranged and agreed between those of the promoters in charge of said Bill and the delegation of the council of the town of St. Mary's, appointed by council to oppose the said Bill as, follows:—

(1) That the lands mentioned in said Bill and all other lands in the said town of St. Mary's held and used as farm lands only and in blocks of not less than twenty-five acres should hereafter while used as farm lands only be rated in manner following, namely:—

(a) For general town purposes not more than $3\frac{1}{2}$ mills on the dollar.

(b) For the payment of the present debenture debt of the town, the same rate as may from time to time be required and be levied upon other assessed property of the town.

(c) And for public school, separate school and collegiate institute purposes, the same rate as may from time to time be required and be levied upon the other assessed property of the town.

And

And that no further or other rate be levied on said land by the council of the town of St. Mary's.

(2) That the said lands should be wholly exempt from taxation for the payment of any future debenture debt of the said town of St. Mary's, except such as is contracted for school purposes, or for the renewal or consolidation of the present existing debenture debt or some part thereof.

Provided always, in case of renewal or consolidation of said existing debenture debt or some portion thereof, such renewal or consolidation shall be kept separate and distinct from any other debt of said town, and such renewal or consolidation shall not be for a period longer than twenty years from the time of such renewal or consolidation.

(3) That the rate hereby given the said lands should not be lessened by any of the exemptions mentioned in section 7a of *The Consolidated Assessment Act 1892*.

(4) That no owner or lessee of any such land should have the right in respect of such lands to vote upon any by-law creating or contracting any future debenture debts, except such as are for school purposes, or for the renewal or consolidation of the present existing debenture debt or some part thereof, as aforesaid.

And whereas upon consideration of said bill coming up before said Private Bills Committee on the 21st day of March, 1895, it was suggested to and agreed upon by the parties to the said arrangement that the same would be more readily effected by a by-law of the said town of St. Mary's to be ratified and confirmed by the said Legislative Assembly ;

And whereas the owners of all lands intended to be benefited hereby have agreed to accept the said arrangement ;

Be it therefore enacted by the municipal council of the town of St. Mary's:—

1. That all lands in the said town of St. Mary's while held and used as farm lands only, and in blocks of not less than twenty-five acres, shall from the date of the passing hereof be rated upon the assessed value thereof as follows :—

(a) For expenditure for general town purposes not more than $3\frac{1}{2}$ mills on the dollar.

(b) For the payment of the present debenture debt of the town, the same rate as is required and is from time to time levied upon other town property.

(c) And for expenditure for public school, separate school and collegiate institute purposes, the same rate as is required and is from time to time levied upon other town property.

And that no further or other rate be levied on said lands by the council of the said town of St. Mary's.

2. That the said lands mentioned in clause 1 hereof shall be wholly exempt from taxation for the payment of any future

CHAPTER 81.

An Act to confirm certain By-laws of the Township of Sarnia.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS the Government of the Province of Ontario did, between the years 1874 and 1878, under the provisions of *The Ontario Drainage Act*, construct certain drains in the township of Sarnia known as "The Pulse Creek Drain" and "The Perche Creek Drain"; and whereas it has become necessary to repair and greatly enlarge the said drains; and whereas the corporation of the township of Sarnia did, on the twenty-fifth day of November, one thousand eight hundred and ninety-four, pass a by-law to raise money for the repairing and enlargement of the Pulse Creek drain, and the said corporation did on the twenty-first day of December, one thousand eight hundred and ninety-four, pass a by-law to raise money for the reparation and enlargement of the Perche Creek drain, which said by-laws were duly registered in the registry office of the county of Lambton, and due notice of such registration was given in accordance with the provisions of *The Consolidated Municipal Act, 1892*; and whereas it was intended that the said works should be done by a dredge, but it has been found that this cannot be done in that way so as to be in strict conformity with the specifications set out in the said by-laws; and whereas by inadvertence the profiles for a portion of the said works differ from the specifications, which are correct, and it is desirable that where the said specifications do not agree with the profiles the former shall govern; and whereas the said works will have to be carried across the lands of the Grand Trunk Railway Company, and it is desirable that the said corporation may, under the provisions of section 85 of *The Drainage Act, 1894*, without the consent in writing required by sub-section 2 of the said section, enter into an agreement with the company for the construction by the company of the work necessary to be done on their said lands; and whereas technical or other objections may be taken to the said by-laws which would tend to depreciate the value of the debentures to be issued under the same; and whereas the said petitioners have prayed for an Act to authorize the said works to be done by a dredge as hereinafter set forth, and to declare that where the specifications

cations for the said works differ from the profiles the specifications shall govern, and to authorize the petitioners to enter into a contract with the Grand Trunk Railway Company under said section 85 without the request required by said sub-section, and to validate, confirm and legalize the said by-laws as varied by this Act; and whereas the said petition has been unopposed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything in the said by-laws contained, it shall be lawful for the corporation of the township of Sarnia to do the works authorized by the said by-laws so that the bottom width of the excavation shall not be less than that set forth in the specifications for the work, but the excavation shall in all respects be equivalent to a drain with side slopes of one foot horizontal to one foot vertical having regard to the depths as required by the profiles for the work, and the side slopes of the drain or excavations shall not be steeper than has been usual in works of the same character excavated with a dredge. Manner of constructing Pulse Creek and Perche Creek drains.
2. Whenever the specifications for the said works differ from the profiles the specifications shall govern and be followed. Specifications to govern construction.
3. The corporation of the township of Sarnia may, under the provisions of section 85 of *The Drainage Act, 1894*, without the consent in writing required by sub-section 2 of the said section, enter into an agreement with the Grand Trunk Railway Company of Canada for the construction by the company of the work necessary to be done on the lands of the company, and the said corporation shall have the right to assess for the cost thereof and all other rights set forth in said section. Agreement with the Grand Trunk R. W. Co. for construction of drain on their lands.
4. The by-laws passed by the corporation of the township of Sarnia and intituled respectively, "A by-law to repair enlarge and improve the Pulse drain in the township of Sarnia and to borrow on the credit of the municipality the sum of six thousand four hundred and fifty dollars (\$6,450.00), being the amount charged against the lands and roads in the township of Sarnia," and "A by-law to repair, enlarge and improve the Perche drain in the township of Sarnia and to borrow on the credit of the municipality the sum of fifteen thousand and seventy-five dollars (\$15,075.00), being the amount charged against the lands and roads in the township of Sarnia," as varied by this Act and all debentures that may hereafter be issued under the said by-laws, or either of them, are hereby declared legal, binding and valid. By laws confirmed.

CHAPTER 82.

An Act respecting the Municipality of Shuniah.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS the corporation of the municipality of Shuniah, in the Provisional Judicial District of Thunder Bay, have by their petition represented that the corporation of the municipality of Shuniah was incorporated by an Act, passed in the 36th year of Her Majesty's reign, chaptered 50; and whereas by an Act passed in the 44th year of Her Majesty's reign, chaptered 43, the municipality of Neebing was incorporated and was thereby detached from the municipality of Shuniah; and whereas by an Act passed in the 47th year of Her Majesty's reign, chaptered 57, the corporation of the town of Port Arthur was incorporated and was thereby detached from the municipality of Shuniah; and whereas an apportionment and settlement of the debts, assets and liabilities of the municipality of Shuniah as between the corporation of the town of Port Arthur and the municipality of Neebing was concluded, which settlement is particularly set forth in an Act passed in the 51st year of Her Majesty's reign, chaptered 57, and which settlement as set out therein in full was by the said Act in all respects, confirmed and made legal and valid for every purpose, object and intent; and whereas in pursuance of the said settlement the only debenture debt of the municipality of Shuniah which was not assumed by the corporation of the town of Port Arthur or the municipality of Neebing, is for debentures known as the Prince Arthur's Landing and Kaministiquia Railway Debentures, amounting to the sum of \$7,500, and which mature on the first day of July, A.D. 1895; and whereas the said corporation of the municipality of Shuniah have by their petition prayed that the said debenture debt of the said municipality of Shuniah, amounting to \$7,500, as above recited, may be consolidated and that the said corporation may be authorized to issue debentures for that purpose.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the corporation of the municipality of Shuniah from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being in such sums and not exceeding in the whole \$7,500, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or in currency of Canada as the corporation may deem expedient.

Issue of
debentures
authorized.

2. The corporation of the said municipality of Shuniah may for the purposes in section 4 hereof mentioned, raise money by way of loan on the said debentures in this Province, or in Great Britain or elsewhere, and sell or dispose of the said debentures from time to time as they may deem expedient.

Power to bor-
row on or sell
debentures.

3. The said debentures shall be payable in not more than twenty years from the issue thereof, as the said corporation may direct, Coupons may be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly from the first day of the months of January and July in each and every year during the currency of said debentures at the place mentioned thereon and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per centum per annum.

Payment of
debentures
and interest.

4. The said debentures and all moneys raised therefrom shall be applied as follows: In the repayment of outstanding debentures of the municipality of Shuniah and which are payable by the corporation of the municipality of Shuniah, to the amount of \$7,500, and which are better known as the Prince Arthur's Landing and Kaministiquia Railway Debentures, and which mature on the first day of July, A.D. 1895, and for no other purpose whatever.

Application of
debentures.

5. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called *The Consolidated Debenture Rate*.

Special rate.

6. The debentures issued under the preceding sections of this Act may be in the form contained in the schedule A to this Act and the by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form of schedule B to this Act.

Form of
debentures
and by-laws.

Treasurer to
keep books of
account.

7. It shall be the duty of the treasurer from time to time of the said corporation to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amount, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayers of the said corporation and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures.

Consent of
electors not
required.

8. It shall not be necessary to obtain the consent of the electors of the corporation of the municipality of Shuniah to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by any Acts respecting municipal institutions.

Indebtedness
not dis-
charged.

9. Nothing in this Act shall be held or taken to discharge the corporation of the municipality of Shuniah from any indebtedness or liability which may not be included in the said debentures to be issued under this Act.

Inconsistent
provisions
in municipal
Acts not to
apply.

10. Any provision in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of such by-law or issue of debentures or as to the applications of the proceeds thereof.

Irregularities
in form not to
invalidate
debentures.

Short title.

11. This Act shall be cited as "*The Shuniah Debenture Act.*"

SCHEDULE A.

(Section 6.)

CONSOLIDATED DEBT DEBENTURE.

No _____ Municipality of Shuniah. \$ _____
Province of Ontario.
Under and by virtue of *The Shuniah Debenture Act, 1895*,
and by virtue of by-law No. _____ of the corporation of the
municipality of Shuniah passed under the provisions con-
tained in the said Act, the corporation of the municipality of
Shuniah promise to pay to the bearer at _____ in
_____ in _____ the sum of _____ on
_____ day of _____ one thousand
hundred and _____ and the half-yearly coupons
for interest hereto attached, as the same shall severally
become due.

Dated at Port Arthur, in the district of Thunder Bay, this
day of A.D 189 .

[Corporate seal.]

Reeve.

Treasurer.

SCHEDULE B.

(Section 6.)

A by-law to authorize the issue of	debentures
under <i>The Shuniah Debenture Act.</i> Passed	189

Be it enacted by the municipal council of the corporation of Shuniah as follows:

1. The mayor and treasurer are hereby authorized and directed to issue debentures of the said corporation to the amount of \$ _____ under the authority of the said Act and for the purposes therein mentioned, which said debentures shall have coupons thereto attached for the payment of interest at the rate of _____ per cent. per annum, and shall be payable within _____ years from the _____ day of _____ at _____ with interest at the rate aforesaid as follows, that is to say :—

2. For the purpose of paying the sum of \$ _____, and to cover interest on the said amount as aforesaid, there shall be levied by a general rate over and above all other rates (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the town in each year during the currency of the said debentures, or any of them, the sums following, that is to say:—

CHAPTER 83.

An Act to confirm a certain By-law of the
Township of Springer.*[Assented to 16th April, 1895.]*

Preamble.

WHEREAS the corporation of the township of Springer in the district of Nipissing has represented that important industrial and commercial advantages would result to the inhabitants of the said township and of the surrounding district, from the erection and operating of a pulp mill on the Sturgeon river at the unincorporated village of Sturgeon Falls, within the said township; that the said river affords ample water power for milling purposes, which power is at present unutilized; that the said river is navigable for lake steamers up to the point at which it is proposed that a pulp mill be established; that a wide area of the township and district aforesaid produces an abundant and easily obtainable supply of the various kinds of wood constituting the raw material used in the preparation of pulp; that such preparation of pulp is an industry of rapidly increasing importance, and that at present the said raw material available in the township and district aforesaid can only be utilized by exportation from this Province; and whereas the corporation of the township of Springer aforesaid, after submitting the same to the ratepayers qualified to vote on money by-laws on the 7th day of January, 1895, did pass a by-law numbered 130 on the 14th day of January, 1895 which by-law is set forth in schedule A to this Act in full, the said by-law being one providing for the raising by way of loan, upon the security of debentures of the said township, the sum of \$7,000, to be paid by way of bonus to any person or persons with whom satisfactory arrangements can be made to erect and operate a pulp mill as aforesaid; and whereas the said corporation has by its petition prayed that an Act may be passed to legalize and confirm the said by-law; and whereas no opposition has been offered to the said petition; and whereas the case of the said township of Springer is, for the reasons aforesaid, exceptional, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law of the corporation of the township of Springer numbered 130, in the year 1895, and set forth in full in the schedule A to this Act is hereby confirmed and declared legal, valid and binding.

By-law 130
confirmed.

SCHEDULE A.

BY-LAW No. 130.

A by-law to provide for raising, by way of loan upon the security of debentures of the township of Springer, in the district of Nipissing, the sum of \$7,000, for the purpose of assisting any person or persons with whom suitable arrangements can be made, to erect and work a pulp mill at the unincorporated village of Sturgeon Falls in the said township.

Whereas, in the opinion of the municipal council of the corporation of the township of Springer, it is expedient to raise the sum of \$7,000 on the credit of the said municipality, to be paid by way of bonus, to any person or persons with whom satisfactory arrangements can be made to erect and operate a pulp mill on the Sturgeon river, at the unincorporated village of Sturgeon Falls ;

And whereas, for the repayment of the said sum of \$7,000, it is proposed to issue debentures of the said township of Springer, payable with interest at the rate of five per cent. per annum, in twenty annual instalments, such that the aggregate amount payable for principal and interest in any one year of the said twenty years shall be equal as nearly as may be to what is payable for principal and interest in each of the other years of such period ;

And whereas the total amount required to be annually raised by special rate during the said period of twenty years for paying the said debentures and interest is \$561.70, excepting in the years 1900, 1905, 1910 and 1915, when the amount required to be raised will be \$561.69 ;

And whereas the amount of the whole rateable property of the said municipality, according to the last revised assessment roll, being for the year 1894, is \$76,922 ;

And whereas the amount of the existing debenture debt of the said municipality is \$3,000, of which no part of the principal or interest is in arrears ;

Be it therefore enacted, and it is hereby enacted by the municipal council of the township of Springer, pursuant to the provisions of the statutes in that behalf :

1. That the reeve of the said township may borrow, on the credit of the corporation of the said township of Springer, the sum of \$7,000, being the amount necessary to pay the said bonus and to secure the repayment of the said sum of money, may issue debentures of the said corporation in the amounts and payable in the manner hereinafter specified.

2.

2. That the said debentures, both as to principal and interest, shall be payable at the bank of Ontario, at the town of Sudbury, and shall be dated the fifteenth day of January, A.D. 1895, and shall have attached to them coupons for the payment of interest, which interest shall be computed at the rate of five per cent. per annum from the said date, and shall be payable on the fifteenth day of January in each year during the currency of each debenture..

3. It shall be lawful for the reeve of the said municipality, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized to attach the seal of the said municipality to the said debentures.

4. The amount of the said debentures, and the date at which they shall be respectively payable, shall be as follows :

(1) For the sum of \$211.68, payable on the fifteenth day of January, 1896.

(2) For the sum of \$222.25, payable on the fifteenth day of January, 1897.

(3) For the sum of \$233.38, payable on the fifteenth day of January, 1898.

(4) For the sum of \$245.07, payable on the fifteenth day of January, 1899.

(5) For the sum of \$257.32, payable on the fifteenth day of January, 1900.

(6) For the sum of \$270.20, payable on the fifteenth day of January, 1901.

(7) For the sum of \$283.71, payable on the fifteenth day of January, 1902.

(8) For the sum of \$297.85, payable on the fifteenth day of January, 1903.

(9) For the sum of \$312.76, payable on the fifteenth day of January, 1904.

(10) For the sum of \$328.44, payable on the fifteenth day of January, 1905.

(11) For the sum of \$344.82, payable on the fifteenth day of January, 1906.

(12) For the sum of \$362.11, payable on the fifteenth day of January, 1907.

(13) For the sum of \$380.17, payable on the fifteenth day of January, 1908.

(14) For the sum of \$399.21, payable on the fifteenth day of January, 1909.

(15) For the sum of \$419.16, payable on the fifteenth day of January, 1910.

(16) For the sum of \$440.09, payable on the fifteenth day of January, 1911.

(17) For the sum of \$462.14, payable on the fifteenth day of January, 1912.

(18)

(18) For the sum of \$485.24 payable on the fifteenth day of January, 1913.

(19) For the sum of \$509.46 payable on the fifteenth day of January, 1914.

(20) For the sum of \$534.94 payable on the fifteenth day of January, 1915.

For the purpose of paying the said debentures and the interest of the same during the currency thereof, the sum of \$561.70 shall be annually raised and levied in the same manner as the taxes are levied by a special rate over and above all other rates upon the whole rateable property of the said township of Springer in each year for the period of twenty years after the date of the final passing of this by-law, during which the said debentures have to run, excepting in the years 1900, 1905, 1910 and 1915, when the sum required to be raised shall be \$561.69, and the said sum of \$561.70, or \$561.69, as the case may be, shall in each year be appropriated to the payment of the said debentures and interest as follows:—

	Interest.	Principal.	Total.
In the year 1896..	\$350 02	\$211 68	\$561 70
In the year 1897..	339 45	222 25	561 70
In the year 1898..	328 32	233 38	561 70
In the year 1899..	316 63	245 07	561 70
In the year 1900..	304 37	257 32	561 69
In the year 1901..	291 50	270 20	561 70
In the year 1902..	277 99	283 71	561 70
In the year 1903..	263 85	297 85	561 70
In the year 1904..	248 95	312 76	561 70
In the year 1905..	233 25	328 44	561 69
In the year 1906..	216 88	344 82	561 70
In the year 1907..	199 59	362 11	561 70
In the year 1908..	181 53	380 17	561 70
In the year 1909..	162 49	399 21	561 70
In the year 1910..	142 53	419 16	561 69
In the year 1911..	121 61	440 09	561 70
In the year 1912..	99 56	462 14	561 70
In the year 1913..	76 46	485 24	561 70
In the year 1914..	51 24	509 46	561 70
In the year 1915..	26 66	534 94	561 69

6. That this by-law shall take effect on the fourteenth day of January, 1895.

7. That the vote of the electors of the said municipality shall be taken on this by-law on Monday, the 7th day of January, 1895, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of the same day at McGrath's Hall, in the unincorporated village of Sturgeon Falls, and at the Nesbitt boarding house, in the unincorporated village of Cache Bay, and J. D. Cockburn shall be, and is hereby appointed returning officer for the said polling place at the said unincorporated village of Sturgeon Falls, and Onesime Lafrance shall be, and is hereby appointed returning officer for

for the said polling place at the said unincorporated village of Cache Bay.

8. That on Saturday, the fifth day of January, 1895, at the hour of ten o'clock in the forenoon, at the office of the reeve, in the said unincorporated village of Sturgeon Falls, shall be the time and place when and at which persons will be appointed by the reeve to attend at the said polling places, and at the final summing up of the votes by the clerk of the said municipality on behalf of the persons interested in and promoting or opposing the passing of this by-law respectively.

9. That the clerk of the said municipality shall on the 7th day of January, 1895, at the hour of seven o'clock in the afternoon, at the said polling place, in the said unincorporated village of Sturgeon Falls, in the said municipality, sum up the number of votes given for and against this by-law.

Read a first and second time this 7th day of December, 1894.

Passed on the 14th day of January, A.D., 1895.

[Corporate seal.]

T. A. LEVIS,

Reeve.

O. LAFRANCE,

Township Clerk.

CHAPTER 84.

An Act respecting the City of Stratford.

[Assented to 16th April, 1895.]

WHEREAS John Idington, owner of that part of lot number three in the second concession of Downie, now in the city of Stratford, and which may be described by metes and bounds as follows, commencing at the northwesterly angle of said lot and running northerly along the westerly boundary thereof to the northerly boundary thereof, thence easterly along said northerly boundary to a point distant five chains, fifty-eight and a half links from the northeasterly angle of said lot, thence southerly and parallel with the easterly boundary of said lot, eleven chains to a point, thence easterly parallel with the northerly boundary of said lot to the easterly boundary thereof, thence southerly along said easterly boundary to the southerly boundary of said lot, and thence westerly along said southerly boundary to the place of beginning, and wholly used as farm lands, has applied to the Legislative Assembly of Ontario to have the said lands separated from the city and annexed to the township of Downie, and in lieu of such relief from unfair taxation, has agreed with the council of said city to accept the relief furnished by their by-law, No. 585, enacting that said lands shall only be liable to be taxed for their proper share of the present debenture debt of said city, the public or separate school rates as the case may be, with collegiate institute rates and a rate not exceeding three and a half mills on the dollar of their assessed value for all other purposes and shall not be liable for or in respect of any future indebtedness unestimated in the contracting of any such debt as part of the assessable value of said city, that however when any parts of such lands shall become divided up and held by owners in parcels less than twenty-five acres or be not used for farm purposes, the parts so divided up or ceasing to be used for farm purposes shall become liable to the general taxation of the city in common with other than farm lands, that no owner of said farm lands shall in respect thereof thus specially rated be entitled to vote on any money by-law; and whereas the said city council have petitioned for the confirmation of said by-law and to be empowered to pass similar by-laws, limiting the general rate as justice may require

Preamble.

quire for general purposes to a minimum of three and a half mills on the dollar, or any other up to a maximum of seven mills instead of as fixed in said by-law 585, and it is deemed expedient to grant the prayer of the said petitioners ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No.
585 confirmed.

1. The said by-law No. 585, a copy of which is set forth in the schedule A hereto, is hereby confirmed and declared valid and binding.

Special rates
upon farm
lands.

2. The council of the said city may upon the application of any owner or owners of lands held and used as farm lands only in the said city, and in blocks of not less than twenty-five acres owned by any one person hereafter from time to time, pass by-laws providing for the special rating thereof for their proper share of the then debt of said city, and the public or separate school rates, as the case may be, with collegiate institute rates, and such special general rate for all other purposes in each case as may be just of a minimum rate of three and a half, and maximum rate of seven mills on the dollar, on the assessed values and exemption of such lands from any debenture indebtedness which may thereafter be incurred.

When lands
are divided.

3. Whenever any such lands shall become divided and held in parcels of less than twenty-five acres, or not used for farm purposes, the parts so divided or ceasing to be farm lands shall become liable to the general taxation of the city in common with other than farm lands.

Owners of spe-
cially rated
lands not to
vote on money
by-laws.

4. No owner of specially rated lands, under any such by-law shall be entitled to vote in respect of said lands upon any money by-law of said city.

SCHEDULE A.

By-law No. 585 of the City of Stratford.

Whereas John Idington owner of part of lot 3 in the 2nd concession of the township of Downie now in the city of Stratford and wholly used as farm lands has applied to the Legislative Assembly of the Province of Ontario to have the same separated from the city and annexed to the said township of Downie and in lieu of such relief from burdensome taxation has agreed with the council of the said city to accept the relief

that

that will be furnished by the Legislature confirming, if it will, the following by-law which said council has agreed to adopt for relief of said specified lands :

Now therefore the municipal council of the city of Stratford enacts as follows :

1. The lands named in said Bill shall only be liable to be taxed for their proper share of the present debenture debt of the said city the public or separate schools rates, as the case may be, and collegiate institute rates and a rate not exceeding three mills and a half on the dollar of their assessed value for all other purposes and shall not be liable for or in respect of any future indebtedness nor estimated in the contracting of any such debt as part of the assessable value of the said city.

2. Whenever any parts of such lands shall hereafter become divided up and held by owners in parcels less than twenty-five acres or be not used for farm purposes, the parts so divided up or ceasing to be used for farm purposes, shall become liable to the general taxation of the city in common with other than farm lands.

3. No owner of said farm lands shall in respect of such farm lands thus entitled to special rating, be entitled to vote upon any money by-law.

4. This by-law shall come into force immediately upon the confirmation thereof by the Legislative Assembly of the Province of Ontario and shall be thereafter construed as in effect and in force from beginning of the current year.

5. The mayor and clerk are hereby authorized to sign a petition to said Legislature confirming this by-law.

Finally passed this 1st day of April, A.D., 1895.

R. R. LANG,
City clerk.

(Sgd.) WM. DAVIDSON,
Mayor.

CHAPTER 85.

An Act respecting an agreement between the City of Stratford and the Grand Trunk Railway Company of Canada.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS the city of Stratford and the Grand Trunk Railway Company of Canada have by their respective petitions prayed that an Act may be passed confirming and declaring legal and valid a certain agreement made the 4th day of February, 1895, by and between the corporation of the city of Stratford and the Grand Trunk Railway Company of Canada, which agreement is set forth in schedule A to this Act; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement confirmed.

1. The agreement set out in the schedule A to this Act is hereby confirmed and declared legal and valid for all purposes, and it shall be lawful for the corporation of the city of Stratford and the Grand Trunk Railway Company of Canada to do any and all acts necessary to carry out and give full effect to the said agreement in all respects and according to the spirit, true intent and meaning thereof.

SCHEDULE A.

This agreement made the fourth day of February in the year of our Lord one thousand eight hundred and ninety-five, by and between the corporation of the City of Stratford, hereinafter called "the city," of the first part, and the Grand Trunk Railway Company of Canada, hereinafter called "the company," of the second part;

Whereas differences have arisen between the parties hereto as to what is the value of certain property belonging to the company in the city of Stratford for assessment purposes under *The Assessment Act of 1892* and the amendments thereto;

And

And whereas the said parties, for the purpose of avoiding litigation and expense, have agreed that for the next five years the sum to be paid yearly by the said company in full for all taxes, rates and assessments that may be levied upon their property in the said city of Stratford shall be the sum of eight thousand and six hundred dollars, save for local or frontage taxes, rates or assessments where the company's property is benefited, but this does not include street watering ;

Therefore this agreement witnesseth that the said parties do hereby covenant, promise and agree each with the other as follows, that is to say :

1. The city covenants and agrees with the company that they will commute and fix for the next five years (inclusive of the year 1895) the rates and taxes to be paid by the said company to the said city, save for local or frontage rates, taxes or assessments where the company's property is benefited thereby, but this does not include street watering, for and in respect of all assessable property owned and occupied by the said company within the limits of said city at the sum of eight thousand six hundred dollars to be paid at the same time and upon the same terms as the taxes of the other rate-payers and to be subject in case of default to the same provisions and remedies for the collection thereof provided by *The Assessment Act of 1892* and any amendments thereto or any other Act or Acts now or to be in force with regard thereto. And the said city further agrees that the assessor shall be relieved from the necessity of making the declaration or oath with regard to the assessable value of the said company's property on his assessment roll for any of the said five years as required by section 49 of *The Assessment Act, 1892*, or any similar provision in any amending Act.

2. The company covenants and agrees with the city that they accept the commutation of the rates and taxes save for local or frontage rates, taxes or assessments where the company's property is benefited thereby, but this does not include street watering, on all their assessable property in Stratford at the sum of eight thousand six hundred dollars per year for the next five years (inclusive of the year 1895) and agree to pay the said sum at the same time and upon and subject to the same conditions and terms as the taxes of other rate-payers, and that in case of default that their property shall be subject to all the provisions and remedies for the collection of taxes as provided by *The Assessment Act of 1892* or any amendment thereto or any other Act or Acts now or to be in force with regard thereto. And the said company further agrees that notwithstanding any changes that may be made in the assessment laws of the Province or in the event of any judicial decision being given which would make it clear that the machinery and other fixtures and appliances used in the company's works at Stratford are not liable to assessment,

30 s.

they

they the said company will continue to pay the commuted rate of eight thousand six hundred dollars per year for the next five years, and covenant not to take any legal proceedings against the said city or any of its officers or to make any appeal against the assessment of their property in any one of the said five years.

3. The said parties further covenant and agree each with the other to join in any application to the Legislative Assembly of the Province of Ontario for an Act to be passed to ratify, confirm or legalize this agreement. The expense in obtaining the said Act to be paid by the company.

4. It is also agreed that this agreement shall not after said five years be used to the prejudice of either party in any question which may then be raised (if any) as to the assessable value of said property or any part thereof.

In witness whereof the parties hereto have hereunto affixed their respective corporate seals on the day and year first above written.

Signed, sealed and delivered }
in the presence of }

(Sgd.) WM. DAVIDSON, Mayor.

[Seal.]

(Sgd.) R. R. LANG, City Clerk.

As to the execution by the
City of Stratford,

M. S. DONOVAN.

The Grand Trunk Railway Company of Canada,

By L. J. SARGEANT, [Seal.]

General Manager.

CHAPTER 86.

An Act to incorporate the Town of Sturgeon Falls.

[Assented to 16th April, 1895.]

WHEREAS that certain portion of the township of Springer, ^{Preamble.}
in the district of Nipissing, known as the unincorporated
village of Sturgeon Falls, is rapidly increasing in population,
and by reason of its central location, agricultural surround-
ings and water power facilities, is likely to become an import-
ant business centre; and whereas the inhabitants of the said
village have, by their petition, represented that the incorpora-
tion of the said village as a town would promote its future
progress and prosperity, and enable its inhabitants to make
suitable regulations for the protection and improvement of
property; and whereas it is expedient to grant the prayer of
the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. On and after the passing of this Act the lands <sup>Town of Stur-
geon Falls in-
corporated.</sup>
hereinafter described shall be separated from the municipi-
pality of Springer and the inhabitants thereof shall be and
are hereby constituted a corporation or body politic, under
the name of the "Municipal Corporation of the Town of
Sturgeon Falls," and shall enjoy and have all the rights,
powers and privileges enjoyed and exercised by incorporated
towns in the Province of Ontario under the existing municipal
laws of the said Province.

2. The said town of Sturgeon Falls shall comprise and con- <sup>Limits of
town.</sup>
sist of the lands lying within the limits described as follows,
that is to say: Lots numbers 3, 4 and 5 in the 1st concession,
and the north halves of lots numbers 3, 4 and 5 in concession
A of the said township of Springer, in the said district of
Nipissing.

3. The said town shall be divided into three wards, to be ^{Wards.}
called respectively the "Michaud," "Holditch," and "Cock-

burn"

burn" wards, which several wards shall be respectively composed and bounded as follows :—

Michaud
ward.

Michaud ward shall comprise and consist of the following lands, that is to say : Those parts of lots numbers 3 and 4 in concession 1 of the township of Springer, in the district of Nipissing, which may be more particularly known and described as follows, that is to say : Commencing where the division line between the tier of lots fronting on Main and Toronto streets produced southerly would intersect the northerly limit of the right of way of the Canadian Pacific Railway as shown on a plan of the subdivision of township lot number 4 in concession 1 of the said township, registered in the registry office for the district of Nipissing ; thence along the production northerly of the said division line to its intersection with the northerly limit of said township lot number 4 ; thence easterly along the northerly limits of the said township lots numbers 4 and 3 to their intersection with the easterly limit of said township lot number 3 ; thence southerly along the said easterly limit to its intersection with the northerly limit of the right of way of the Canadian Pacific Railway ; thence westerly along the said northerly limit of the right of way of the Canadian Pacific Railway to the place of beginning.

Holditch
ward.

Holditch ward shall comprise and consist of the following lands, that is to say : Those parts of lots numbers 4 and 5 in concession 1 of the township of Springer, in the district of Nipissing, which may be more particularly known and described as follows, that is to say : Commencing where the division line between the tier of lots fronting on Main and Toronto streets produced southerly would intersect the northerly limit of the right of way of the Canadian Pacific Railway as shown on a plan of the subdivision of township lot number 4 in concession 1 of the said township, registered in the registry office for the district of Nipissing ; thence along the production northerly of the said division line to its intersection with the northerly limit of said township lot number 4 ; thence westerly along the northerly limits of said township lots numbers 4 and 5 to their intersection with the westerly limit of township lot number 5 ; thence southerly along the said westerly limit of township lot number 5 to its intersection with the northerly limit of the right of way of the Canadian Pacific Railway ; thence easterly along the said northerly limit of the right of way of the Canadian Pacific Railway to the place of beginning.

Cockburn
ward.

Cockburn ward shall comprise and consist of the following lands, that is to say : Those parts of lots 3, 4, and 5 in concession 1, and the northerly halves of lots 3, 4, and 5, in concession A of the township of Springer, in the district of Nipissing, which may be more particularly known and described as follows, that is to say : Commencing at the intersection of the

easterly

easterly limit of township lot number 3 in concession 1 with the northerly limit of the right of way of the Canadian Pacific Railway ; thence southerly along the easterly limits of township lots numbers 3 in concession 1 and A to their intersection with the division line between the northerly and southerly halves of township lot number 3 in concession A ; thence westerly along the division line between the northerly and southerly halves of township lots numbers 3, 4, and 5, in concession A, to its intersection with the westerly limit of township lot numbers 5 in concessions A and 1 to their intersection with the northerly limit of the right of way of the Canadian Pacific Railway ; thence easterly along the said northerly limit of the right of way of the Canadian Pacific Railway to the place of beginning.

4. The provisions of *The Consolidated Municipal Act 1892*,
and any Act amending the same relating to matters consequent upon the formation of new municipal corporations and the other provisions of *The Consolidated Municipal Act 1892*, shall, except as far as herein otherwise provided, apply to the said corporation of the town of Sturgeon Falls in the same manner as if the said unincorporated village had been erected into a town under the provisions of the said Acts.

Application of
55 V. c. 42.

5. On the last Monday of the month of December after the passing of this Act, it shall be lawful for Onezime Lafrance, or the township clerk for the time being, who is hereby appointed returning officer, after giving notice thereof by public advertisement in a newspaper published in the said town of Sturgeon Falls, for at least one week, or if there is no newspaper published in the said town, then in some newspaper published in some other municipality in the said district, to hold the nomination for the first election of mayor and councillors at the council chamber in the said town or Sturgeon Falls, at the hour of noon, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from amongst themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election (if necessary) shall be held on the same day of the week in the week next following the said nomination, and the returning officer or chairman shall at the said nomination publicly announce the place in each ward at which the polling shall take place.

First election
of mayor and
councillors.

6. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the town is divided, and such returning officer and each of the deputy-returning officers shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws

Returning
officers and
deputy return-
ing officers.

of

of Ontario applicable to returning officers at elections in towns in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Clerk of township of Springer to furnish copy of assessment roll.

7. The clerk of the said township of Springer shall upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said election, and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote at each of the said wards respectively, and each such copy shall be verified on oath.

Council, how composed.

8. The council of the said town to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, and nine councillors; three councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the nomination; and subsequent elections shall be held in the same manner and the qualification of mayor and councillors and for electors at such subsequent elections shall be the same as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the duties and liabilities imposed by the said municipal laws upon such councils.

Declaration of office and qualification.

9. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario to be taken by the persons elected or appointed to like offices in towns.

Qualification of electors and officers at first election.

10. At the first election of mayor and councillors for the said town of Sturgeon Falls, the qualification of electors and that of officers required to qualify shall be the same as that required in townships by the municipal laws of Ontario.

Payment of expenses of Act.

11. All expenses incurred in obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town of Sturgeon Falls, or otherwise, shall be borne by the said town, and paid by it to any person entitled thereto.

12. All by-laws and municipal regulations which are in force in the township of Springer shall continue and be in force as if they had been passed by the corporation of the town of Sturgeon Falls, and shall extend to and have full effect within the limits of the town hereby incorporated until repealed by the new corporation.

By-laws of township of Springer to apply until repealed.

13. Except as otherwise provided by this Act, the property, assets, debts, liabilities and obligations of the municipality of the township of Springer shall be apportioned between the said municipality of the township of Springer and the said town of Sturgeon Falls as may be agreed upon; and in case of no agreement, then by the award of three arbitrators, or a majority of them, one of the said arbitrators being appointed by each of the said municipalities of the township of Springer and the town of Sturgeon Falls, and the third being chosen by the said two; and if from any cause whatever either of the said municipalities shall not have appointed an arbitrator within three months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality so making default; and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator and the award of the said arbitrators, or a majority of them, shall be as valid and binding in all respects as if the arbitrators had been regularly appointed by the said respective municipalities.

Adjustment of assets and liabilities with township of Springer.

14. The indebtedness contracted by by-law No. 130 of the said township of Springer shall be assumed by the corporation of the town of Sturgeon Falls, and the several amounts due and payable under the said by-law shall be paid over annually to the said township of Springer for the liquidation of the said debt or liability.

Indebtedness incurred under by-law number 130 of township of Springer.

15. The existing school sections of the said municipality which by such division will be partly situate in the said township and partly in the said town shall be deemed union sections until otherwise altered under the provisions of *The Public Schools Act, 1891*.

School sections.

54 V. c. 55.

16. The returning officer shall at the nomination provided for in section 5 of this Act, receive nominations for two school trustees for each of the said wards, and the election for such school trustees shall, except so far as is otherwise provided by this Act, be held and conducted in conformity with the provisions of the said *Public Schools Act*.

School elections.

54 V. c. 55.

CHAPTER 87.

An Act to confer certain powers on the Village of Sundridge and the Township of Strong.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS the municipal councils of the village of Sundridge and the township of Strong have, by their petitions respectively represented, that, owing to the reservation of the pine timber in the district of Parry Sound (in which both of said municipalities are situate) and to a very large portion of the lands in said district being rough, uncleared, and comparatively unfit for agricultural purposes, the farmers residing therein labor under peculiar difficulties; and whereas a large portion of such lands is well suited to the raising of sheep, and contains an abundance of timber (other than pine) but there is no local cash market for any of the products thereof; and whereas for the purpose of promoting the clearing and cultivation of the said lands, and the raising of sheep thereon and affording help to the farmers thereof, it is necessary to secure the establishment of certain industrial enterprises, to wit, a woollen mill, tannery and bobbin factory; and whereas no opposition has been offered to the said petition, and it has also been made to appear that neither of the said municipal corporations have any debenture debt to provide for; and whereas the case of the said municipalities is by reason of the matters aforesaid quite exceptional; and whereas it is expedient to grant the prayer of said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Granting aid to certain industries.

1. Subject as hereinafter provided it shall be lawful for the municipal council of the village of Sundridge to pass a by-law or by-laws for granting aid by way of loan or bonus to secure the establishment of the said industrial enterprises within the said village, or to take stock in any such industrial enterprises to an amount not exceeding, under the powers conferred by this Act, an aggregate of \$7,500, to issue debentures and do all other Acts in connection therewith as if the power to grant

bonuses

bonuses was still vested in municipalities; and it shall also be lawful for the municipal council of the township of Strong to pass a by-law or by-laws for granting aid by way of loan or bonus to secure the establishment of the said industrial enterprises within the said village, or to take stock in any such industrial enterprises to an amount not exceeding, under the powers conferred by this Act, an aggregate of \$1,000, to issue debentures, and do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities.

2. No such aid by way of loan, bonus or subscribed stock or any of them, shall be given until after the passing of by-laws by the respective municipal councils for the purpose, and the adoption of such by-laws by the qualified electors as provided in *The Consolidated Municipal Act 1892*, in the case of by-laws for the creation of debts, and except as herein otherwise provided, all the provisions of *The Consolidated Municipal Act 1892*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

Adoption of
by-laws.

55 V. c. 42.

55 V. c. 42.

3. Notwithstanding anything contained in the preceding section of this Act the vote of two-thirds in the affirmative of the ratepayers, who are entitled to vote upon any by-law granting aid to, or for promoting the establishment of the said manufacturing establishments, or for lending money to such company, person or establishment, or guaranteeing the payment of money borrowed shall be necessary in order to the carrying of the by-law.

Vote of
two-thirds
of ratepayers
entitled to
vote, who
obtained.

4. In addition to the certificate required by section 318 of *The Consolidated Municipal Act 1892*, the clerks of the respective municipalities, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' lists such majority appears to be two-thirds of all the voters who are entitled to vote on the by-law.

Certificates
of clerk as
to requisite
number
of votes.

5. In case of a dispute as to the result of the votes on any by-laws submitted under this Act, the stipendiary magistrate shall have the same powers for determining the question as the district or county judge has in any case of a scrutiny of votes.

Disputes
as to result
of voting.

6. The petition to the stipendiary magistrate may be by an elector or by the councils or either of them, and the proceedings for obtaining the stipendiary magistrate's decision shall be the same as nearly as may be as in the case of a scrutiny.

Procedure
to be the
same as on
a scrutiny.

Application
of certain
sections of
55 V. c. 42.

7. Sections 209 to 222, 293 to 319 and sections 321 to 328 inclusive, of *The Consolidated Municipal Act 1892*, and their sub-sections shall be taken and considered as part of this Act.

Application
of provisions
of 55 V. c. 42,
as to creation
of debts.

8 Except as otherwise provided in this Act all the clauses of *The Consolidated Municipal Act 1892*, relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same shall apply and be read as part of this Act.

CHAPTER 88.

An Act to enable the Corporation of the Village of
Teeswater to lease or sell certain lands.*[Assented to 16th April, 1895.]*

WHEREAS the corporation of the village of Teeswater, Preamble.
by their petition, have shown that a certain plot of land in the said village of Teeswater known and marked as "Edmund Square" in the registered plan of said village, according to a survey made by George McPhillips, P.L.S., was conveyed to the corporation of the township of Culross for the use of a public allowance or market square; and whereas on the incorporation of the said village of Teeswater, which formerly formed part of the said township of Culross, the said corporation of the township of Culross, by deed, conveyed the said plot of land known as "Edmund Square" to the said the corporation of the village of Teeswater; and whereas it is represented by the said corporation of the village of Teeswater that the whole of the said plot of land is not required for the purposes of a market square or other public purpose, and is valuable but unproductive property, and the said corporation have prayed that they may be enabled to lease or sell such portions of such square as are not required for a market square or other public purposes, and in case of sales to take mortgages for the purchase moneys if necessary; the said purchase moneys being devoted to the special purposes hereinafter mentioned; and whereas no opposition to the said petition has been offered by the former owners of the said lands or anyone claiming through them; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The corporation of the village of Teeswater may pass a by-law or by-laws for leasing or selling such portions of the said land as they may not require for the purposes of a market square or other public purpose, and may by such by-law or by-laws authorize the leasing or sale of the same in

Power to lease
or sell portions
of Edmund
Square.

one or more parcels, and either by public auction, tender or private contract, and on such conditions as to the said corporation may seem proper.

Form of leases
or convey-
ances.

2. Every lease or conveyance of the said land, or any part thereof authorized by any such by-law or by-laws and made by the corporation of the village of Teeswater in pursuance of any such by-law or by-laws to the lessees or purchasers thereof, shall be executed under the corporate seal of the said village of Teeswater and be signed by the reeve and clerk thereof for the time being, and every lease or conveyance so executed and signed shall be deemed to have been duly executed and shall be binding upon the said corporation according to the estate or interest conveyed or intended so to be.

Reservation
of lane for use
of owners of
adjacent
lands.

3. A public lane or alleyway sixteen feet wide shall be reserved along the westerly and southerly limits of that portion of the said lands lying west of Clinton street, such lane leading from Clinton street to the rear of the said lands and along the rear thereof to Union street, and the owners of lands adjacent to the lands hereby authorized to be sold shall for all time have free right of way over such lane or alleyway, and all sales made in pursuance of the provisions of this Act shall be subject to such reservation.

Power to take
mortgages
back for pur-
chase money.

4. In case of sales being made of the said land or any part thereof the said corporation of the village of Teeswater is hereby authorized and empowered to take from the purchaser or purchasers a mortgage or mortgages for the payment of the purchase money or any part thereof containing the ordinary and usual covenants and powers of sale in case of default, and shall have power to enforce all such covenants and exercise such powers of sale when necessary so to do.

Application of
proceeds of
sale or lease.

5. The moneys realized from such leases or sales shall be applied to payment of compensation to persons whose properties front on the said square and to the costs of and in connection with the application for this Act, and the balance thereof shall be applied to the purchase of a park or fair ground either jointly with any other municipality or municipalities or otherwise or for the purpose of a public library, as the corporation of the said village of Teeswater shall direct, but no lessee or purchaser shall be bound to see to the application of any such moneys.

Assent of
electors not
required.

6. It shall not be necessary to obtain the consent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any Act amending the same.

CHAPTER 89.

An Act respecting the City of Toronto.

[Assented to 16th April, 1895.]

WHEREAS the corporation of the City of Toronto by Preamble.
 petition has prayed for special legislation in regard
 to the several matters hereinafter set forth ; and whereas it is
 expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows :—

1. Notwithstanding anything contained in the Act passed by the Legislature of the Province of Ontario in the 55th year of Her Majesty's reign, and chaptered 99, or any other Act of the said Legislature, the corporation of the city of Toronto is hereby authorized to enter into an agreement with the Toronto Railway Company to haul the material removed by the scavenger department of the city of Toronto for a period of ten years, with the option of renewal for further periods of ten years or less, upon such terms as may be mutually agreed upon, and amongst others, that no percentage is to be payable to the city upon the price paid to the said company for such hauling. Authority to contract with Toronto Railway Co. for haulage of scavengers' material.

2. Section 5 of chapter 74 of the Acts passed by the Legislature of the Province of Ontario in the 52nd year of Her Majesty's reign, is amended by striking out the words "three and a half" in the last line of the said section, and by inserting the word "four" in lieu thereof ; and the said amendment is to apply at the option of the council of the corporation of the city of Toronto, to any by-laws passed during the year 1894 under the said Act, or in any previous year if the debentures thereunder have not issued, or to any debentures issued or to be issued thereunder, and the said council may amend any such by-laws passed during the year 1894 or previous years, whether submitted to the ratepayers or not, by making the 52 V. c. 74, s. 5, amended.
Rate of interest on debentures.

rate of interest four per cent. instead of three and a half per cent. and by reducing the amount of debentures to be issued under such by-laws.

Regulating
ferries.

3. The municipal council of the city of Toronto may pass by-laws for licensing, regulating and governing ferries within the city and harbor of Toronto, and for establishing the rates of ferriage to be taken thereon, and the license fee to be paid for each boat operating upon such ferry, and may in its discretion refuse such license for any ferry boat except ferry boats heretofore licensed and at present engaged in such ferry business so long as such ferry boats pass government inspection, but such by-laws shall contain the provision that no ferry boats not heretofore licensed shall receive a license unless classed A1½ according to the marine register.

Assent of
Lieutenant-
Governor.

4. No by-law passed under the last preceding section shall have effect until assented to by the Lieutenant-Governor in Council.

Rate of inter-
est on Queen
street subway.

5. The council of the corporation of the city of Toronto is hereby authorized to amend the by-law for borrowing \$130,000, submitted to the ratepayers on the 20th day of October, 1894, to raise the money necessary for the widening of the Queen street subway, by making the rate of interest of the debentures thereunder four per cent. instead of three and a half per cent. and such further amendments to the by-law as may be necessary by reason of such change of the rate of interest therein and the said council may, notwithstanding the provisions of section 327 of *The Consolidated Municipal Act, 1892*, thereafter pass such by-law.

55 V. c. 42.

Local im-
provement
by-laws con-
firmed.

6. (1) The by-laws of the corporation of the city of Toronto specified in the schedule hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for payment thereof, are hereby validated and confirmed.

Proviso.

(2) Provided that nothing herein contained shall affect any right which the Canadian Pacific Railway Company has or would have but for this Act to have it declared that by-laws 3,244, 3,245 and 3,246 mentioned in the schedule to this Act are invalid or that they are not binding upon the said company.

Proviso.

(3) Provided further that nothing herein contained shall affect the right of the Land Security Company under the agreement made between the said company and others and the city of Toronto bearing date the 21st day of October, 1887, or otherwise independently of the said agreement in respect of the said by-laws 3,244, 3,245 and 3,246.

7. The Act passed in the 54th year of Her Majesty's reign 54 V. c. 82, chapter 82 is amended by adding thereto the following section : amended.

15. Nothing in this Act or in the by-law confirmed by section 12 thereof shall operate in the case of any by-law or by-laws for or in connection with the extension as a local improvement of Gladstone avenue to Hamilton street to prevent persons the assessments upon whose lands are hereby confirmed from obtaining against the city any relief to which but for the passing of this Act they would by law have been entitled at any time prior to the passing thereof. Extension of
Gladstone
Avenue.

8. Nothing in section 6 of this Act shall prejudice or affect any action or proceeding now pending with reference to by-law No. 3,239 in the said schedule referred to. Pending
actions.

SCHEDULE.

(Section 6.)

LIST OF BY-LAWS Providing for the issue of Debentures passed by the Council of the City of Toronto at the respective dates set opposite each, the particulars of which are set out below.

Number.	Nature of work under by-law.	When passed.	Amount of debt created.		To be borne by the city.		To be borne by the rate-payers.		Period of payments, years.	Rate of interest.
			\$	c.	\$	c.	\$	c.		
3026	Grading of Kippendavie avenue from Queen street to the beach	February 15th, 1892...	4,198	29	.....	.....	4,198	29	9	4
3092	Bryce Brothers asphaltic pavement on Spadina crescent and Russell street (to amend by-law No. 2862)	September 26th, 1892	217	78	.....	.....	217	78	8	4
3126	Sewers on 24 several streets (as amended by by-law No. 3275)	April 10th, 1893	25,905	03	.....	.....	25,905	03	various	4
3130	Pavements on 4 several streets (as amended by by-law No. 3274)	" 24th, 1893	4,802	35	.....	.....	4,802	35	5 and 7	4
3154	Roadway on Bismarck avenue from Yonge street to Gwynne street (as amended by by-law No. 3221)	May 8th, 1893	1,263	60	.....	.....	1,268	60	1	4
3177	Extension of Sheridan avenue from Florence street to Dundas street, amending by-law No. 2844 (and as amended by by-law 3220)	June 19th, 1893	10,730	36	.....	.....	10,730	36	10	4
3200	Extension of Sheridan avenue from Florence street to Dundas street, amending by-law No. 3177	March 5th, 1894	10,730	36	.....	.....	10,730	36	10	4
3221	Roadway on Bismarck avenue from Yonge street to Gwynne street, amending by-law No. 3154	March 12th, 1894	1,316	39	.....	.....	1,316	39	4	4
3222	Pavements on 16 several streets	March 27th, 1894	37,701	80	.....	.....	37,701	80	various	4
3224	Sewers on 4 several streets	"	6,154	18	.....	.....	6,154	18	5	4
3225	Roadway on King street from Sherbourne street to Simcoe street	"	40,896	30	.....	.....	40,896	30	10	4

LIST OF BY-LAWS—Continued.

Number.	Nature of work under by-law.	When passed.	Amount of debt created.		To be borne by the city.		To be borne by the rate-payers.		Period of payments, years.	Rate of interest.
			\$	c.	\$	c.	\$	c.		
3226	Roadway on Winchester street from Parliament street to Sumach street	March 27th, 1894.....	11,656	75	.....	.....	11,656	75	8	4
3227	Roadway on Earl street from Sherbourne street to its western terminus	"	4,133	80	.....	.....	4,133	80	5	4
3228	Roadway on Richmond street from Victoria street to Bay street	"	9,938	18	.....	.....	9,938	18	8	4
3229	Roadway on Ocar street from Yonge street to North street	"	4,117	92	.....	.....	4,117	92	8	4
3230	Roadway on Linden street from Sherbourne street to Huntly street	"	4,750	88	.....	.....	4,750	88	8	4
3231	Roadway on Munn's lane from Wellington street to north terminus of lane	"	1,253	41	.....	.....	1,253	41	8	4
3233	Roadway on lane first south of Queen street from Tecumseh street to Niagara street	"	1,166	21	.....	.....	1,166	21	5	4
3234	Sidewalk on Victoria street, both sides, from King street to Adelaide street	"	1,318	59	.....	.....	1,318	59	8	4
3235	Sidewalk on Sherbourne street, east side, from Gerrard street to Wellesley street	"	2,978	97	.....	.....	2,978	97	8	4
3236	Sidewalk on Sherbourne street, west side, from Wilton avenue to Bloor street	"	4,627	17	.....	.....	4,627	17	7	4
3239	Sidewalks on 147 several streets	April 9th, 1894.....	25,797	38	.....	.....	25,797	38	2 and 6	4
3240	Extension of McMillan avenue from south end of same to Carlton street	April 23rd, 1894	6,973	54	.....	.....	6,973	54	5	4
3241	Extension of Goulding street from Markham street to Palmerston avenue	"	518	75	.....	.....	518	75	5	4
3242	Sewer on Dovercourt Road from Blair street to a point 200 feet north	"	321	91	.....	.....	321	91	5	4

LIST OF BY-LAWS—Continued.

Number.	Nature of work under by-law.	When passed.	Amount of debt created.		To be borne by the city.		To be borne by the rate-payers.	Period of payments, years.	Rate of interest.
			\$	c.	\$	c.	\$	c.	per cent.
3243	Sewer on Glen road from Elm avenue to Maple avenue	April 23rd, 1894	694	19	.....	.....	694	19	4
3244	Sewer on King street from the Garrison Creek sewer to Dufferin street .....	"	.....	.....	.....	.....	.....	.....	4
3245	Roadway on King street from the King street subway to Dufferin street	"	3,451	91	.....	.....	3,451	91	4
3246	Sidewalk on King street from King street subway to Dufferin street	"	7,353	89	.....	.....	7,353	89	4
3248	Sewers on Lisgar, Blair and Armour streets from Queen street to King street	"	389	81	.....	.....	389	81	4
3262	Paving track allowance of Toronto Railway Company consolidating by-laws 3178, 3188, 3195, 3196 and 3197	May 7th, 1894	1,996	62	.....	.....	1,996	62	4
3274	Roadway on Macpherson avenue from Rathnally avenue to Poplar Plains Road, amending by-law No. 3130	June 18th, 1894	625,122	24	625,122	24	.....	10	4
3275	Sewer on lane north of Elm street from Ter-auday street to its eastern terminus, amending by-law No. 3126	August 24th, 1894	2,121	81	.....	.....	2,121	81	4
3276	Sidewalks, amending by-laws 2857, 2858, 3044, 3053, 3125, 3129 and 3239	"	141	88	.....	.....	141	88	4
3068	Consolidating broken amounts in several local improvement by-laws .....	"	.....	.....	.....	.....	.....	.....	.....
3261	Consolidated loan debentures	May 23rd, 1892	689,684	62	.....	.....	689,684	62	4
		June 18th, 1894	624,500	00	624,500	00	.....	1 to 10	3 $\frac{1}{2}$

CHAPTER 90.

An Act to consolidate the Debt of the Town of Toronto Junction and for other purposes.

[Assented to 16th April, 1895.]

WHEREAS the municipal council of the corporation of the town of Toronto Junction has by its petition represented that under the provisions of *The Toronto Junction Debt Consolidation Act, 1894*, the said corporation was authorized to consolidate its general debenture debt and effect a loan by the issue of debentures authorized by that Act to pay off such debt, that it has been impossible to dispose of such debentures, and that it is found necessary in order to enable the corporation to satisfactorily arrange and meet its indebtedness that new debentures should be issued in lieu of and exchange for those at present outstanding and thereby reduce the annual payments to a sum within the ability of the corporation to collect from the ratepayers by taxation, and it has also been found necessary to include the local improvement debt in the proposed consolidation, and over ninety-eight per centum in value of holders of existing debentures of these respective classes have expressed their assent to the said arrangement, the few remaining debenture holders being unknown or unascertained; and whereas the said municipal council have passed a by-law altering the time for making the assessment and revising the rolls as provided under section 52 of *The Consolidated Assessment Act 1892*, and adopting the assessment made in 1894 without further revision as the assessment for 1895; and the said municipal council desire to have the said by-law ratified and confirmed and by the said petition certain other special powers are prayed for; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act the provisions of sections 2 to 7, both inclusive, apply exclusively to debentures of the corporation other than local improvement debentures, and of sections 8 to 11, both inclusive, apply exclusively to local improvement debentures, and the provisions of sections 12 to 20, both inclusive, apply to both kinds of debentures.

Application of Act to various classes of debentures.

2.

Power to issue
debentures for

2. The municipal council of the corporation of the town of Toronto Junction may, and shall pass a by-law, or from time to time pass by-laws for authorizing the issue of debentures of the said corporation for a sum not exceeding the sum of \$900,000 for the purpose of redeeming their outstanding debentures other than local improvement debentures and securing the payment of the interest owing thereon as at 1st June, 1895, and of paying certain advances obtained by the corporation on the pledge of some of its debentures and certain other debts as well as costs, legal expenses and other expenses incurred in and about the negotiations for the arrangement of the debt of the corporation intended to be carried out by this Act, and for such other purposes and to such amount as may be deemed necessary by the committee hereinafter named.

Interest on
debentures.

3. The said debentures shall bear interest at the rate of four and one-half per cent. per annum, and both as to principal and interest shall be payable at the office of the treasurer, in the town of Toronto Junction, and may be in the form given in the schedule A to this Act, or as near thereto as convenient.

Interest computed from 1st June, 1895, up to 2nd January, 1896, shall be payable on that date, and thereafter yearly on 2nd January in each year to 2nd January, 1905, inclusive.

On 2nd January in each year from 1906 to 1935, both inclusive, a payment at the rate of \$5.32 on each one hundred dollars shall be made, that amount being sufficient during that time to discharge one-half of the principal money of each debenture and all interest on such debenture, and the remaining half of the principal money shall be payable on 2nd January, 1935.

The interest for the period to 2nd January, 1905, as well as the annual payments of principal and interest during the next succeeding thirty years, shall be represented by coupons annexed to the debentures.

Denomination
of debentures.

4. The debentures shall be of the denominations of \$1,000 and \$100 respectively, and shall be known as "Toronto Junction Consolidated General Debentures."

Valuing prin-
cipal and in-
terest on out-
standing
debentures.

5. Interest at five per centum per annum shall be computed on the principal and interest of all debentures which have accrued due on or before the 1st day of June, 1895, from maturity until that day. The principal and interest on all debentures which have not accrued due at the said 1st day of June, 1895, shall be valued as of that date on the basis of an investment to yield the holder interest at the rate of four and one-half per cent. yearly, and holders of all outstanding debentures shall be entitled and bound to receive in exchange therefor new debentures issued under this Act equal to the aggregate amount thus ascertained of the debentures held by them

or

or the multiple of 100 next thereunder, and any sums less than \$100 shall be paid in cash, such new debentures shall be deliverable at the office of the treasurer of the corporation on and after the 1st day of June, 1895.

6. The corporation shall in the year 1895, and in each year thereafter up to and including the year 1934, levy upon the whole then assessable property in the said town, by a sufficient special rate, the amount necessary to discharge the payment on all said debentures falling due on the second day of January then next, excepting the half of the principal money falling due on 2nd January, 1935, provided that such rate shall not be levied on any property which has heretofore been exempted from taxation during the unexpired period of exemption or which may hereafter be exempted for a period not extending beyond the 1st day of January, 1905.

Special rate
for payment
of debentures
and interest.

Provided always that if the rate or rates to be levied from time to time shall yield more than sufficient to pay the amount falling due on the second day of January next following, the surplus shall be carried to the special account hereinafter mentioned, and be applied to the payment falling due in the next succeeding year.

7. The moneys so levied and collected shall be deposited in a special account called "The General Debenture Rate Account," to be kept in the name of the corporation in one of the chartered banks of the Dominion, and shall be applicable only to the purposes mentioned in this Act, and shall not be applied in any other manner whatever, and any collector or other officer of the town applying such moneys for any other purpose, or any member of the council assenting thereto, shall be civilly liable for the amount.

Special
account of
moneys
collected.

8. The municipal council of the said corporation shall and may pass a by-law, or from time to time pass by-laws, for authorizing the issue of debentures of the said corporation for a sum not exceeding \$150,000, for the purpose of redeeming their debentures now outstanding or authorized for local improvement purposes, which shall be known as "Toronto Junction Consolidated Local Improvement Debentures," and said debentures may be in the form given in the schedule B to this Act, or as near thereto as convenient.

Receiving
debentures to
redeem out-
standing local
improvement
debentures.

A portion of the debentures hereby authorized, herein called "class one," sufficient to redeem the debentures heretofore authorized for local improvement purposes where the whole issue authorized falls due before second January, 1907, shall be payable on second January, 1907, with interest at the rate of four and one-half per cent. per annum computed from first June, 1895, payable on the second day of January of each year.

The remaining portion of the debentures hereby authorized, herein called "class two," shall be made payable on second January, 1915, with interest at the same rate computed from first

first June, 1895, payable on the second day of January in each year in the meantime.

Valuing principal and interest on outstanding debentures.

9. Interest at five per cent. per annum shall be computed on the principal and interest of all local improvement debentures which have accrued due on or before the first day of June, 1895, from maturity, until that day. The principal and interest on all such debentures which have not accrued due at the said first day of June, 1895, shall be valued as of that date on the basis of an investment to yield the holders interest at the rate of four and one-half per centum yearly and the holders of debentures of those issues all of which fall due before second January, 1907, shall be entitled and bound to receive in exchange new debentures issued under this Act of class one, and the holders of local improvement debentures where the whole of the issue does not mature before second January, 1907, shall be entitled and bound to receive in exchange new debentures of the class two issued under this Act, in each case equal to the aggregate amount of the sums herein mentioned or to the multiple of one hundred next thereunder, and any sums of less than \$100 shall be paid in cash. Such new debentures shall be delivered at the office of the treasurer of the corporation on and after the first day of June, 1895.

Collection of rates—special account.

10 (1).—The corporation shall continue to collect the annual special rates assessed for payment of the local improvement debentures heretofore authorized in accordance with the respective by-laws relating thereto, and so much of the special rates collected as is not required for payment of the yearly interest as aforesaid of the debentures of class one and class two respectively shall be deposited in special accounts called respectively "The Local Debenture Rate Account," class one and class two, to be kept in the name of the corporation in one of the chartered banks of the Dominion and shall be applicable only to the purposes of payment of the principal and interest of the local improvement debentures of the respective classes authorized under this Act, and shall not be applied in any other manner whatever, and any collector or other officer of the town applying such moneys for any other purpose, or any members of the council assenting thereto, shall be civilly liable for the amount.

(2) The numbers of the debentures of class one to be issued under this Act and given in exchange for the outstanding debentures issued for the local improvements under by-laws numbers 235 and 239, consolidated by by-law number 292, and under by-laws numbers 331 and 355 respectively, shall be preserved and recorded by the town treasurer in his books and all special rates hereafter collected in respect of such local improvements shall be kept by the town treasurer in a separate account and shall in the first place be applied in or towards payment of the interest on the debentures of the numbers

bers so recorded which is to be made half-yearly, and all moneys in excess of \$500 at the credit of such account after payment of the interest in any year and before collection of the next special rate shall be used and applied for the purpose of paying off and redeeming the debentures of the numbers so recorded in the order of such numbers as nearly as may be. The holders of such recorded debentures shall not be entitled to any of the moneys collected from the other special rates mentioned in this section nor to participate in the redemption fund mentioned in section 11. The debentures to be received in exchange shall stand in the place of the original debentures issued under such respective by-laws and the holders thereof shall be entitled to the same rights and liens as the holders of such original debentures.

11. Whenever the amount at the credit of either of such accounts after the payment of the interest in any year and before the collection of the next special rate, shall amount to \$5,000 or over, the amount in excess of \$2,000 shall be used and applied for the purpose of paying off and redeeming consolidated local improvement debentures of that class, and the particular debentures so to be redeemed shall be determined in every case by lot cast or drawn some time in the month of January by the auditor appointed by and on behalf of the debenture holders, and the mayor and treasurer, or either of these, together with the auditor, and the result of such lot designating and specifying the particular debentures to be redeemed shall be published in the city of Toronto by advertisement at least three times in a daily newspaper published in the said city, and notice of such result shall also be mailed to the address of the holders of such debentures, if such address be known.

Redemption of consolidated local improvement debentures.

The debentures so to be redeemed, with interest thereon to the first day of February, shall be paid by the treasurer at or any time after the first day of February next after such drawing, on the surrender of such debentures and all coupons thereof, and no interest shall accrue on any debentures so drawn for redemption after the first day of February next ensuing such drawing, provided notice of such drawing shall have been given as hereinbefore required, and all coupons representing future interest on such debentures so drawn and specified shall thenceforth and thereafter be void.

12. If any ratepayer shall omit to pay his quota of the rate or rates authorized by this Act, or imposed by any local improvement by-law heretofore passed, by the first day of December in any year, or within fifteen days thereafter, or if any taxes or rates assessed on the assessable property of non-residents shall be in arrear for fifteen days after the first day of December in any year, every person so in arrear and such assessable property shall be held liable to pay to the corporation an addition of ten per cent. to the said rate or rates

Penalty for non-payment of rates.

so imposed, and the increased sum shall be so payable, not as a penalty, but as liquidated damages for the delay, and the collectors and other officials shall have the like powers for levying the said addition to the rate or rates as for levying the rate or rates, and shall levy the same accordingly, and the burden of proof of payment of the rate or rates shall be on the ratepayer, and it shall not be in the power of the council to remit such increased rate or to interfere with or alter the assessment roll after the same shall have been finally revised, unless it be to correct clerical errors, and the remission of such increased rate or of any rates so finally revised and confirmed or imposed by any such local improvement by-law shall be absolutely null and void.

Sale of land
for arrears
of taxes.

13. If any sum or sums assessed or payable after the passing of this Act in respect of any assessable real property belonging to non-residents shall be in arrear and unpaid for twelve months after the said fifteenth day of December, or if any ratepayer shall omit to pay his quota of the rate or rates imposed upon him in respect of any real property after the passing of this Act during the period of twelve months after the time limited for payment thereof, such real property shall be liable to be sold for all arrears of taxes thereon, and the provisions of *The Consolidated Assessment Act 1892*, or of the Assessment Act in force for the time being, shall apply in the same manner and to the same extent as in the case of taxes in arrear for three years under that Act.

55 V. c. 48.

Preference of
debentures
issued under
Act.

14. The debentures to be issued under this Act shall, as regards both principal and interest, have preference and priority over all debentures or bonds or obligations for borrowed money which may be made or granted by or on behalf of the town after the passing of this Act, and all such debentures, bonds or obligations shall be postponed to the debentures to be issued under this Act.

Actions upon
outstanding
debentures.

15. No action or other proceeding shall be maintained by or on behalf of any holder of any debenture hereinbefore referred to as outstanding or of any coupon to such debenture, and any judgment recovered in respect of such debenture or coupon shall not be enforceable against the corporation, its property or effects, and it shall be a sufficient defence to any such action or proceeding to state that a new debenture or new debentures under the provisions of this Act had been duly lodged or tendered at the office of the treasurer, and that the corporation were ready and willing to pay any sum less than \$100 to which the holder was entitled, and on the same facts being shown proceedings in any action or under any such judgment may be stayed or set aside.

16. In the month of December in each year up to the year 1905 inclusive, or at any other time within such period, on the application of a debenture holder, an auditor shall be appointed on behalf of the holders of said debentures, by the senior judge of the county court of the county of York for the time being, after such notice, if any, as the said judge may see fit to direct. The said senior county judge may also at any time after 1905, and during the currency of the debentures issued under this Act, on the application of a holder or holders of such debentures to the amount of \$50,000 or over, and upon such evidence as shall satisfy such judge of the necessity or advisability therefor, appoint an auditor. The said auditor shall enter on his duties on the third Monday in January next after his appointment if made in December, or earlier in January than the third Monday, and shall enter on the same forthwith after his appointment if made at any other time, and have the powers and duties prescribed for municipal auditors under *The Consolidated Municipal Act 1892*, but shall not be liable to removal by the council, and during the currency of said debentures the right of the head of the council to appoint an auditor shall be suspended, the intention being that only two auditors shall be appointed, one by the council and the other by the senior county judge on behalf of the debenture holders, and the said auditor appointed by the senior county judge shall audit all accounts before payment and shall have power to compel the carrying out of the provisions of this Act by summary application at any time to a judge of the High Court of Justice; the remuneration of such auditor shall be fixed by the said senior county judge and shall not exceed the rate of \$250 per annum and shall be payable by the corporation.

Audit of
accounts.

55 V. c. 42.

17. If and whenever the corporation shall fail to appoint assessors, or to appoint one or more collectors to collect the rates required to be raised under this Act, or if they fail at any time to impose and levy a sufficient rate or rates for the purpose of providing for the payment of the principal and interest of such debentures, or if it shall be made to appear to the senior judge of the county court of the county of York that the assessors, or collector or collectors appointed by the corporation are not fairly and honestly performing the duties of their respective offices, or that they are endeavoring to delay or prevent the collection of the rate or rates required to be raised, it shall be lawful for such judge upon the application of any holder or holders of debentures issued under this Act from time to time to appoint assessors to make up the proper rates, and they shall have power to call for the assessors' roll for the current year, and assess, impose and levy such rate or rates or to proceed with the collection of the uncollected portion of such rate or rates and any other taxes in arrear,

Default by
corporation in
appointing
assessors or
collectors.

and

and to take such steps as may be necessary for that purpose, and also to prepare assessors' or collectors' rolls and to place the same in the hands of assessors or collectors of his own selection who are hereby authorized to act in the same manner as if they had been appointed by the corporation under the provisions of the municipal or assessment Acts, and it shall be the duty of any assessor or collector so complained of forthwith to hand over his rolls and any money collected to the person or persons so appointed by the county judge.

Costs of application to county judge, etc.

18. The costs and expenses of any application to the county judge and the remuneration payable to such assessors and collectors appointed under the next preceding section shall be fixed by the said county judge and shall be payable by the corporation.

Assent of electors and other formalities not required.

55 V. c. 42.

19. It shall not be necessary that any by-law which shall be passed for the issue of any of the debentures, the issue of which is authorized by the foregoing provisions of this Act, shall be advertised in any way or be submitted for the approval of, or receive the assent of the ratepayers of the said town of Toronto Junction in accordance with the provisions of *The Consolidated Municipal Act 1892*, and it shall be sufficient if any such by-law be passed by the municipal council in the form in the schedules D or E to this Act set forth, as the case may be.

Irregularities in form of debentures.

20. No irregularity in the form of the debentures issued under the authority of this Act or any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action against the said corporation for the recovery of the amount thereof or the interest thereon or any part thereof, and any of the said debentures which shall purport to have been issued under the authority of this Act shall be conclusively presumed in favor of the holder or purchaser thereof to have been so issued.

Committees to determine how debentures shall be issued.

21. The Mayor of the town of Toronto Junction, Herbert C. Hammond of the city of Toronto, broker, and John Kay Macdonald of the city of Toronto, insurance manager, shall be a committee, and they, or any two of them may and shall determine the amounts of both general and local improvement debentures to be issued under this Act within the limits by this Act authorized, and the purposes for which the same shall be issued, and the disposal and application of all debentures not required for exchange, and such disposal and application shall be in accordance with two certain agreements made between the corporation of the one part and the Molsons Bank and the Canada Life Assurance

Company and others respectively of the other part, so far as such agreements extend, and as to any matters not covered by or any debentures not dealt with in such agreements, the same and the disposal and application of such debentures shall be in the absolute discretion of the said committee or of any two members without question or appeal. The committee shall also direct and control the exchange of debentures and see to the cancellation of all debentures now outstanding. Should the said Herbert C. Hammond and John Kay Macdonald, or either of them, die, or be unable or unwilling to act as members of such committee, then one or two other persons, as may be necessary, shall be appointed in his or their place by the majority in value of the holders of existing debentures present or represented at a meeting called for that purpose, at some place in the city of Toronto, by notice advertised twice in a Toronto daily newspaper at least five days before the meeting. The members of the said committee, other than the mayor, shall be compensated by the corporation for their services.

22. The passing of this Act shall not affect the liability of the property in the township of York, ratable under by-laws Nos. 82, 139, 207 and 312, as being part of a union school section with the town of Toronto Junction, but the property in the said union school section shall continue to be ratable under said by-laws 82, 139, 207 and 312, and the amounts received from the township of York thereon shall be paid into "The General Debenture Rate."

Liability for certain school rates not affected.

23. By-law number 378 of the said corporation entitled "A by-law to regulate the periods for taking the assessment and revising the rolls," and a copy of which is set out as schedule C to this Act, is hereby ratified and confirmed, and the assessment and assessment roll referred to in the said by-law are hereby confirmed without further revision and are declared to be valid and binding to all intents and purposes as the assessment and assessment roll respectively for the year 1895, provided always that the finance committee shall have power to correct the assessment of any person in respect of personal property so as to make the amount conform to the sum properly assessable in 1895.

By-law No. 378 confirmed.

24. The voters' list of the corporation as finally revised by the county judge in the year 1894 is hereby ratified and confirmed as the voters' list for 1895, subject however to revision by the county judge, and a certificate of the clerk of the municipality that the list is a correct list of all persons appearing to be entitled to vote shall be a sufficient certificate under section 7 of *The Ontario Voters' List Act 1889*, without referring in said certificate to the last revised assessment roll of the municipality.

Voters' list for 1894 confirmed.

By-laws for
grading
Weston road
and improving
Argyle street
confirmed.

25. The by-laws heretofore passed by the council of the said corporation for borrowing money by the issue of debentures secured by special assessment on the real property benefited by the grading of the Weston road and the widening and extension of Argyle road and guaranteed by the municipality at large, and all special assessments and all debentures issued or to be issued thereunder are validated and confirmed subject to consolidation under the provisions of this Act.

Agreement
with Molsons
Bank con-
firmed.

26. The agreement between the corporation and the Molsons Bank, set forth in schedule F to this Act, is hereby declared to be valid and binding upon the parties thereto.

57 V. c. 84,
ss. 1, 11,
repealed.

27. Sections 1 to 11, both inclusive, of the Act, passed in the 57th year of Her Majesty's reign, chapter 84, are hereby repealed.

Costs of pend-
ing actions.

28. Nothing in this Act contained shall prejudice or affect the question of costs of any action or proceeding now pending.

Short title.

29. This Act may be known and cited as "*The Toronto Junction Debt Consolidation Act, 1895.*"

SCHEDULE A.

TORONTO JUNCTION CONSOLIDATED GENERAL DEBENTURE.

Under and by virtue of the *Toronto Junction Debt Consolidation Act, 1895*, and by-law number of the corporation of the town of Toronto Junction, passed under the provisions contained in the said Act, the corporation of the town of Toronto Junction promise to pay to the bearer at the office of the treasurer in the said town the sum of one thousand dollars and interest thereon at the rate of four and one-half per cent. per annum in gold coin, the same being payable as follows: Interest on the second day of January in each year from 1896 to 1905, both inclusive, and on the second day of January in each year from 1906 to 1935, both inclusive, combined payments of principal and interest of the amount of \$53.20 on the presentation and surrender of the yearly coupons hereto annexed as they shall severally become due, and the sum of \$500 on the second day of January, 1935, on the presentation and surrender of this debenture.

Witness my hand and the seal of the town of Toronto Junction, this first day of June, A.D. 1895.

A. B.,
Mayor.

C. D.,
Treasurer.

[L.S.]

First coupon will be \$26.25.

Nine following coupons, each \$45.

Thirty following coupons, each \$53.20

SCHEDULE B.

TORONTO JUNCTION CONSOLIDATED LOCAL IMPROVEMENT
DEBENTURE.

Under and by virtue of the *Toronto Junction Debt Consolidation Act, 1895*, and By-law number of the corporation of the town of Toronto Junction, passed under the provisions contained in the said Act, the corporation of the town of Toronto Junction promise to pay to the bearer at the office of the treasurer of the said town the sum of one thousand dollars in gold coin on the second day of January, 19 , on presentation and surrender of this debenture, and to pay interest thereon at the rate of four and one-half per cent. per annum on the second day of January in each year on presentation and surrender at the office of the said treasurer of the yearly coupons for interest hereto attached as they shall severally become due.

This debenture is subject to earlier payment under the provisions of section 11 of the said Act.

Dated at the town of Toronto Junction, this first day of June, A.D. 1895.

A. B.,
Mayor.

C. D.,
Treasurer.

[L. S.]

First coupon will be \$26.25.

Following coupons, each \$45.

SCHEDULE C.

No. 378, A by-law to Regulate the Periods for Taking the Assessment and Revising the Rolls.

Passed February 20th, 1895.

Whereas by by-law number 181, passed on the 3rd day of December, 1894, under the authority of section 53 (1) of *The Consolidated Assessment Act 1892*, it was enacted that, commencing with the year 1895, the assessment for the town of Toronto Junction should be taken between the first day of July and the thirtieth day of September in each year and the assessment rolls should be returnable to the town clerk on the first day of October in each year and that the town clerk should regulate all notices of appeal and the sittings of the court of revision and for hearing of appeals by the county judge so that the said court of revision should close on the fifteenth day of November and the final return by the judge of the county court should be made on or before the thirty-first day of December each year and that the assessment so made and concluded should be the assessment on which the rate of taxation for the following year should be levied unless the council of the following year otherwise determine and by the said by-law it was further enacted that in the year 1895 the assessment for 1894 should be adopted as the basis of assessment unless the council otherwise determine ;

And whereas it is expedient to adopt the said assessment for the year 1894 and the assessment roll thereof as the assessment and assessment roll for the year 1895.

Be it therefore enacted by the municipal council of the corporation of the town of Toronto Junction as follows :

1. That the assessment for the town of Toronto Junction shall in each year, commencing with the present year, be taken between the first day of July and the thirtieth day of September and the assessment rolls shall be returnable to the town clerk on the first day of October and the town clerk shall regulate all notices of appeal and the sittings of the court of revision and for hearing of appeals by the county judge so that the said court of revision shall close on the fifteenth day of November and the final return by the judge of the county court shall be made on or before the thirty-first day of December and the assessment so made and concluded shall be the assessment on which the rate of taxation for the following year shall be levied unless the council of the said following year otherwise determine.

2. The assessment made in 1894 and the assessment roll thereof as finally revised are hereby confirmed and declared valid and binding to all intents and purposes upon the rate-payers of the town and all others and upon the property and

lands

lands affected thereby or contained, set out and described in the said roll as the assessment and the assessment roll of the said town for the year 1895 and upon which the rates and taxes of the said town for the year 1895 shall be levied and collected and no further revision of the said assessment shall be necessary.

{ Corporate Seal }
{ Toronto Junction. }

JAMES BOND,
Mayor.
ROBERT J. LEIGH,
Town Clerk.

SCHEDULE D.

A by-law to authorize the issue of debentures for \$
under *The Toronto Junction Debt Consolidation Act 1895*.

Be it enacted by the municipal council of the corporation of the town of Toronto Junction as follows:—

1. The mayor and treasurer are hereby authorized and directed to issue Toronto Junction Consolidated General Debentures to the amount of \$ under the authority of the said Act and for the purposes therein mentioned, which debentures shall be of the denominations of \$1,000 and \$100, respectively, bearing interest at the rate of four and one-half per cent. per annum, the same being payable in gold coin as follows:

Interest computed from 1st June, 1895, up to 2nd January, 1896, shall be payable on that date, and thereafter yearly on 2nd January in each year to 2nd January, 1905, inclusive.

On 2nd January in each year from 1906 to 1935, both inclusive, a payment at the rate of \$5.32 on each one hundred dollars shall be made, that amount being sufficient during that time to discharge one-half of the principal money of each debenture and all interest on such debenture, and the remaining half of the principal money shall be payable on 2nd January, 1935.

The interest for the period to 2nd January, 1905, as well as the annual payments of principal and interest during the next succeeding thirty years shall be represented by coupons annexed to the debentures.

2. There shall be raised and levied on the 1st day of December in the year 1895 and of each succeeding year up to 1934, inclusive, a sum sufficient to pay and discharge the amount falling due on the 2nd day of January of the year then next ensuing (excepting the half of the principal money payable on 2nd January, 1935, which is not required to be levied), and such sum shall be so raised and levied by a general rate sufficient therefor upon the whole ratable property in the town.

SCHEDULE

SCHEDULE E.

A by-law to authorize the issue of Local Improvement Debentures for \$ under *The Toronto Junction Debt Consolidation Act, 1895.*

It is hereby enacted by the municipal council of the corporation of the town of Toronto Junction as follows:

1. The mayor and treasurer are hereby authorized and directed to issue Toronto Junction Local Improvement Debentures to the amount of \$ under the authority of the said Act, and for the purposes therein mentioned.

2. Such debentures shall be of the denominations of \$1,000 and \$100, respectively, payable at the office of the town treasurer on 2nd January, 19 , and bearing interest at the rate of four and one-half per cent. per annum, computed from 1st June, 1895, payable on the 2nd day of January of each year, and shall have attached coupons for such interest.

3. The said debentures shall be subject to earlier payment in the manner mentioned in section 11 of the said Act.

SCHEDULE F.

This agreement made the first day of March, 1895, between The Corporation of the Town of Toronto Junction herein called "The Corporation," of the first part, and The Molsons Bank, herein called "The Bank," of the second part.

1. Whereas the bank are the owners and holders of certain local improvement debentures issued by the corporation amounting to twenty thousand and twenty-five dollars or thereabouts.

2. And whereas the bank have made advances to the corporation for local improvement works to the amount of twenty-seven thousand four hundred and fifty-six dollars and twenty-seven cents or thereabouts, and hold in security therefor certain local improvement debentures to about an equal amount.

3. And whereas the bank have made an advance to the corporation of \$10,000, and in security therefor hold debentures issued by the corporation to the amount of about \$15,000.

4. And whereas the bank have lent and advanced to the corporation from time to time sundry sums, and there is now owing and unpaid to the bank in respect thereof sixty-three thousand and fifty-eight dollars and eighty-five cents, or thereabouts, and the bank claim that such amount should be repaid out of all the uncollected taxes imposed for all purposes for the years from 1890 to 1893, both inclusive, and out of one-half of the uncollected taxes imposed for all purposes

except local improvement purposes for the year 1894, by-laws having been from time to time passed by the corporation and agreements made for such advances under the provisions of section 413 of *The Municipal Act*.

5. And whereas the corporation are unable to meet their pecuniary engagements as they fall due, and have applied to the holders of their debentures and to the bank to come to an arrangement for giving time and facilities for paying their liabilities, and a basis of agreement has been arrived at between the corporation, the bank and the majority in value of the holders of debentures, and a bill to give effect thereto is now being promoted before the Legislative Assembly for the Province of Ontario, and it is desirable to define herein the agreement between the corporation and the bank in reference to the bank's several claims above mentioned, and in other respects.

Now this agreement witnesseth that the corporation and the bank agree together, as follows:—

6. For the amount which will be due at first June, 1895, or other date of exchange fixed by the proposed Act, in respect of the debentures mentioned and referred to in recital one valued as proposed in the bill now being promoted, and also for the amount which will be due at first June, or such other date of exchange in respect of the advances mentioned in recital two, the bank shall receive and take a corresponding amount of the debentures intended to be authorized by such proposed Act of the class corresponding with the debentures referred to in recitals one and two, in the same way and on the same terms as other debenture holders.

7. The bank shall be paid at first June, 1895, or other date for exchange, the amount then due to them in respect of the advance mentioned in recital three.

8. At first June, 1895, or other date of exchange the bank shall receive and take in payment of \$27,000 portion of the advances mentioned and referred to in recital four general consolidated debentures to be issued in pursuance of the proposed legislation for the amount of \$28,400 and \$25 in cash.

9. In or towards payment of the remaining portion of the advances mentioned in recital four (hereinafter called the "remaining portion") and interest the bank shall be entitled to receive all sums which may be collected by the corporation from the unpaid taxes mentioned in recital four, that is, all such taxes for the years 1890 to 1893, both inclusive, and one-half of the taxes for the year 1894, except those imposed for local improvements, until such "remaining portion" and interest from this date at the rate of five per cent. per annum is fully paid, it being agreed that all sums so collected shall be applied on account of principal in the first instance, and that the corporation shall in addition thereto out of their general funds pay to the bank on the second day of January in each year interest at that rate on the amount from time to time

remaining

remaining unpaid. If such "remaining portion" and interest be not fully paid before first August, 1898, then the bank shall be entitled to receive from the corporation general consolidated debentures to be authorized by such Act to an amount equal to the then unpaid balance of such "remaining portion" and interest, and shall hold such debentures as further or collateral security for such unpaid balance, and shall continue to receive all sums which may be collected from such unpaid taxes up to first August, 1902.

If the said "remaining portion" and interest be not then fully paid, and if the bank claim that further moneys are collectable from such unpaid taxes, then if the corporation and the bank are unable to agree upon the amount if any that is collectable, that question shall be referred to the committee mentioned in the said Act, and their decision thereon shall be final. The corporation shall thereupon pay to the bank the amount agreed upon or decided by the said committee as the case may be, and on such payment the bank shall retain an amount of such general consolidated debentures equal to the amount of such "remaining portion" and interest still remaining unpaid, and shall thenceforward hold such debentures in discharge thereof, and the remaining debentures held as collateral security shall be cancelled and returned to the corporation. The bank shall also thereupon assign and release to the corporation all the said taxes then remaining uncollected and all claims thereon.

10. The bank shall be entitled to enforce the collection of such taxes for their benefit by the means which may be provided by the said intended legislation for the collection of other rates and taxes, and by the aid of the senior county judge of the county of York and of the auditor, assessors and collectors as provided by such legislation, and this agreement may be confirmed by such legislation or express provision made therein for the enforcement of this agreement.

11. No action or proceedings shall be taken by the bank until after 1st August, 1902, in respect of such "remaining portion," or any part thereof, except proceedings in case of non-payment of annual interest or to enforce the collection of said taxes, or to recover from the corporation or any officers thereof any sums of money which may have been collected on account thereof.

12. If power be given to the corporation as is sought in the bill now being promoted to acquire the lands which in 1894 were sold for less than the amount of taxes thereon, the bank may advance to the corporation the amount of money required for that purpose, and in that case such amount shall bear interest at the rate of five per cent. per annum, and the bank shall be entitled to receive all sums of money which may be paid by the owners of any such lands for redemption thereof as well as all sums of money which may be realized by the corporation from the sale of any of such lands, and shall

apply

apply the same in the first place in repayment of the amount so advanced with interest as aforesaid, and then in or towards payment of such "remaining portion" and interest. If the bank do not within two weeks after being requested so to do, advance to the corporation the amount of money which may be required for the purpose mentioned in this clause, the corporation shall be free to obtain such amount elsewhere, as may be provided in the said Act.

13. The bank agree to contribute rateably with the other debenture holders named in schedule A annexed to an agreement of even date made between the corporation and such debenture holders, the amount required to pay the claims mentioned in schedule B to such agreement, the basis of the bank's contribution being the sum of one hundred and ten thousand five hundred and forty dollars and twelve cents (\$110,540.12) made up of the sums mentioned in recitals 1, 2 and 4 of this agreement, and upon the terms mentioned in said agreement with debenture holders.

In witness whereof the corporate seals of the parties are hereto affixed under the hands of the proper officers respectively.

Witness to the corporation.

FRED BARKER.

JAMES BOND; \
Mayor.

A. H. CLEMMER,
Town Treasurer.

Witness to the signature of

John H. R. Molson, President.

Corporate Seal.

HUBERT LOCKWOOD,

Montreal.

The Molsons Bank,

JOHN H. R. MOLSON,
Corporate Seal. President.

CHAPTER 91.

An Act to consolidate the Debt of the Village of Wallaceburg and for other purposes.

[Assented to 16th April, 1895.]

WHEREAS the corporation of the village of Wallaceburg Preamble.
have by their petition represented that they have incurred debts and liabilities in the erection of school buildings and granting of a railway bonus and other public improvements, to the extent of \$68,000, for which amount debentures of the said village have from time to time been issued, under the authority of various by-laws; and whereas there is still unpaid in respect of the said debentures the sum of \$32,000; and whereas the payment of the said debentures as they mature has become unduly oppressive to the ratepayers of the said village; and whereas, in addition to the said debenture debt, the said village is further indebted in a floating debt which for some years past has accumulated to the extent of \$16,000, largely incurred in constructing sewers and making other substantial improvements in the streets of the said village; and whereas the said corporation by their petition have prayed that their said debts and liabilities secured by the said debentures, and also those unsecured as aforesaid, may be consolidated, and that they may be authorized to issue debentures for that purpose; and whereas the said village of Wallaceburg has represented that disastrous loss to the village has resulted from the destruction by fire of one of the principal establishments carried on there and by the removal of mills formerly engaged extensively in the manufacture of cooperage material, and that the remaining manufacturing establishments of cooperage material will soon be stopped owing to the approaching exhaustion of the raw material in the counties of Kent and Lambton from which said mills have always heretofore been supplied, that many of the inhabitants have in consequence been thrown out of employment and many more soon will be thrown out of employment, and have prayed that to repair the loss already occasioned and avert further impending loss special powers may be granted them to enable them to secure the establishment within the said village of industrial enterprises; and whereas the case of the said village

is

is by reason of the said disaster and impending danger of loss quite exceptional; and whereas no opposition by or on behalf of any ratepayer has been given to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

Debts consolidated at \$48,000.

1. The said debenture debt of the corporation of the village of Wallaceburg, in respect to which relief is sought as aforesaid, to wit: the sum of \$32,000 and the said floating debt, amounting to \$16,000, are hereby consolidated at the sum of \$48,000, and it shall be lawful for the said corporation of the village of Wallaceburg to raise, by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons or any body or bodies corporate, a sufficient sum or sums to retire the said debentures, amounting to \$32,000, as they respectively become due and to pay off the said floating debt of \$16,000, not exceeding in the whole the sum of \$48,000 exclusive of interest thereon.

Power to issue debentures for \$48,000.

2. It shall be lawful for the corporation of the village of Wallaceburg from time to time to pass by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being of the said village, in such sums, not exceeding in the whole the sum of \$48,000, as the said corporation may from time to time direct; and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the said corporation may deem expedient.

Raising money on debentures.

3. The said corporation may, for the purposes in section 5 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

4. The said debentures shall be payable in not more than thirty years from the date thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of interest thereon, and such interest shall be payable half yearly on the first day of the months of January and July in each and every year, at the places mentioned

therein

therein and in the coupons attached thereto, and such debentures may bear interest at a rate not exceeding five per cent. per annum.

5. The said debentures, and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the outstanding debentures of the village of Wallaceburg and in the payment of the said floating debt and in no other manner and for no other purpose whatsoever, and such debentures may be known as "The Consolidated Debt Debentures." Application of proceeds of debentures.

6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any part of them. Special rate.

7. The said debentures to be issued under this Act shall be made payable in each year for a period not exceeding thirty years from the date thereof, and so that the aggregate amount for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. Term of debentures.

8. The treasurer of the said village shall, upon receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent substitute therefor the said debentures or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures. Calling in outstanding debentures.

9. Any by-law to be passed under the provisions of the preceding sections of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-laws not to be repealed until debts paid.

10. It shall not be necessary to obtain the assent of the electors of the said village of Wallaceburg to the passing of any by-law which shall be passed under the foregoing provisions of this Act, or to observe the formalities in relation thereto prescribed by "*The Consolidated Municipal Act, 1892.*" Assent of electors to by-laws not required. 55 V. c. 42.

11. It shall be the duty of the treasurer of the said village from time to time to keep, and it shall be the duty of each of Treasurer to keep proper books of account.

the

the members, from time to time, of the municipal council of the said village to procure such treasurer to keep, and to see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which shall from time to time be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said village and of any holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or of any such debentures and such inspection shall be allowed free of charge.

Existing indebtedness not discharged.

12. Nothing in this Act shall be held or taken to discharge the corporation of the village of Wallaceburg from any indebtedness or liability which may not be included in the said debt of the village of Wallaceburg hereby authorized to be consolidated.

Form of debentures and by-laws.

13. The debentures issued under this Act may be in the form contained in schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule B to this Act.

Inconsistent provisions not to apply.

14. Any provisions in the Acts respecting municipal institutions in this Province which are or may be inconsistent with the preceding provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or in the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to or see to the application of the purchase money or of money loaned thereon or the necessity of passing such by-law or issue of debentures, and any of the said debentures which shall purport to have been issued under the authority of this Act, shall be conclusively presumed in favour of the purchaser or holder thereof to have been so issued.

15.—(1) Subject as hereinafter provided it shall be lawful for the village of Wallaceburg to aid the Sydenham Glass Company within the said village whose buildings and plant are now in course of construction, by taking stock in the said company to an amount not exceeding \$15,000, and to issue debentures, and do all other acts in connection therewith necessary for raising the money for payment of the stock so subscribed as if the power to grant bonuses was still vested in municipalities.

Granting aid for establishment of industrial enterprises.

(2) This section shall apply to enable said municipality to grant assistance to "The Sydenham Glass Company" of Wallaceburg whose buildings and plant are now in course of construction.

16. No such aid by way of subscribed stock shall be given until after the passing of a by-law or by-laws by the municipal council for the purpose and the adoption of such by-laws by the qualified electors, as provided in *The Consolidated Municipal Act 1892*, with respect to by-laws for the creation of debts, and except as herein otherwise provided all the provisions of *The Consolidated Municipal Act 1892*, relating to the creation of debts and the assent of the qualified rate-payers shall apply.

By-laws for granting aid to industrial enterprises.
55 V. c. 42.

55 V. c. 42.

17 Notwithstanding anything contained in the preceding section of this Act, the vote of two-thirds in the affirmative of the resident ratepayers who are entitled to vote upon any by-law granting aid to or for promoting the establishment of a manufactory or manufacturing establishment or for lending money to such company, person or establishment, and constituting a majority of the whole of such rate-payers shall be necessary in order to the carrying of the by-law.

Assent of two thirds of rate-payers required.

18. In addition to the certificate required by section 318 of *The Consolidated Municipal Act 1892*, the clerk, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' lists, such majority appears to be two-thirds of all the resident voters who are entitled to vote on the by-law and he shall certify to the total number of voters residing in the municipality at the time the by-law was submitted for adoption.

Certificate of clerk as to majority.

19. In case of a dispute as to the result of the vote on any by-law submitted under this Act, the county judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

Scrutiny of votes.

Proceeding
for contesting
result of sub-
mission of by-
law to elec-
tors.

20. The petition to the judge may be by an elector or by the council, and the proceedings for obtaining the judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny.

Application of
certain sec-
tions of 55 V.
c. 42.

21. Sections 209 to 222, 293 to 319 and sections 321 to 328 inclusive of *The Consolidated Municipal Act 1892*, and their subsections shall be taken and considered as part of this Act.

Application
of certain
provisions of
55 V. c. 42.

22. Except as otherwise provided in this Act, all the clauses of *The Consolidated Municipal Act 1892*, relating to the creation of debts, the issue of debentures and the time and manner of payment of the same shall apply and be read as part of this Act.

Short title.

23. This Act may be cited as *The Wallaceburg Debenture Act 1895*.

SCHEDULE A.

*(Section 13.)*CONSOLIDATED DEBT DEBENTURE, VILLAGE OF WALLACEBURG,
PROVINCE OF ONTARIO.

No.

\$

Province of Ontario, Village of Wallaceburg.

Under and by virtue of *The Wallaceburg Debenture Act 1895*, and by virtue of by-law No. of the corporation of the village of Wallaceburg, passed under the provisions contained in the said Act the corporation of the village of Wallaceburg promise to pay to the bearer at in the sum of dollars on the day of one thousand hundred and and the yearly coupons hereto attached as the same shall severally become due.

Dated at Wallaceburg in the county of Kent this
day of A.D. 18

Reeve.

[L.S.]

Treasurer.

SCHEDULE B.

(Section 13.)

By-law No. to authorize the issue of debentures under the authority of *The Wallaceburg Debenture Act 1895*.

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned to be known as "Consolidated Debt Debentures" not exceeding the sum of \$48,000 in the whole as the corporation of the village of Wallaceburg may in pursuance of and in conformity with the provisions of the said Act direct;

And whereas for the purpose mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ payable on the day of
(or as the case may be) with interest thereon at the rate of per cent. per annum payable according to the coupons to the said debentures attached;

And whereas the amount of the whole ratable property of the said village of Wallaceburg, according to the last revised assessment roll of the said village being for the year one thousand hundred and was \$

Therefore the municipal corporation of the village of Wallaceburg enacts as follows:

1. Debentures under the said Act and for the purpose therein mentioned to be known as "Consolidated Debt Debentures" to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The debentures shall have coupons thereto attached for the payment of interest at the rate of per cent per annum payable on the day of in each year

This by-law passed in open council this day of in the year of our Lord one thousand hundred and

CHAPTER 92.

An Act respecting the Town of Whitby and to confirm a certain By-law thereof.

[Assented to 16th April, 1895.]

WHEREAS certain owners of farm lands in the town of Whitby, have by their petition set forth that their lands have in the past been subjected to unjust and burdensome taxation, occasioned by the granting of bonuses and otherwise, and have prayed that the Legislature might grant relief to such owners of farm lands from such taxation and from the imposition of future indebtedness by reducing the area of the said town of Whitby and separating certain farm lands therefrom and attaching the same to the adjoining township of Whitby; and whereas the corporation of the town of Whitby in consideration of the amendment of the Bill of the said petitioners while pending before the Private Bills Committee of the Legislative Assembly agreed to pass and have since passed a by-law numbered 510, which is set forth in full in schedule A to this Act for the purpose of carrying into effect the terms of a settlement arrived at by the said petitioners and the said corporation with the sanction of the said committee; and whereas the said corporation of the town of Whitby and the said petitioners for the purposes aforesaid are desirous that an Act may be passed to confirm the said by-law; and whereas it seems just and expedient that an Act should be passed for the purpose aforesaid ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said by-law of the municipal corporation of the town of Whitby numbered 510, and set forth in full in the schedule A to this Act, is hereby confirmed and declared legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, anything contained in *The Consolidated Assessment Act 1892*, or any other Act to the contrary notwithstanding.

By-law 510 confirmed.

55 V. c. 45.

SCHEDULE

SCHEDULE A.

BY-LAW No. 510.

1. By-law number 510 of the council of the corporation of the town of Whitby to provide for the rate of assessment of lands in blocks of twenty acres and upwards used exclusively for farm purposes in the town of Whitby, compared with the assessment of the other property therein for the period of eight years and to provide for a rebate in favor of farm lands upon the amount to be levied thereon during the period aforesaid for general town purposes and for other purposes in connection with the assessment of such farm lands and the finances of the said town.

2. Whereas certain owners of farm lands in the town of Whitby have applied to the Legislature of Ontario for an Act to detach their lands from the said town and to annex the same to the township of Whitby, and such Bill is now before the standing committee of said Legislature on private bills and numbered 15.

3. And whereas it has been proposed and agreed that in consideration of the amendment of the said Bill that this by-law shall, subject to the approval of the Legislature be passed, as to the assessment of such lands and the exemption thereof from taxation for bonuses which may hereafter be granted by the town of Whitby and providing for reducing the amount to be paid on the assessment of farm lands in each year in respect of taxes for the general purposes of the town irrespective of debenture debt, school purposes and county rate and as to the amount to be expended upon roads, sidewalks and streets in the territory proposed by the said Act to be detached from the town and as to providing that exemptions from taxation allowed by section 7a of *The Consolidated Assessment Act 1892*, for the period of eight years, shall be fixed by by-law and providing that the indebtedness over ordinary expenditure of the town shall not be increased during eight years, except in cases of extraordinary expenditure occasioned by fire or other causes not within the control of the town.

And whereas it is desirable that the proposed arrangement shall be carried out;

3. Therefore the council of the corporation of the town of Whitby enacts as follows, and it is hereby enacted by the authority of the same:—

That the assessment of lands containing twenty acres or upwards used for farming purposes in the town of Whitby as fixed by the last revised assessment roll of 1894 shall not be raised or increased for a period of eight years from the first day of January, 1895, and for the purposes of the said Act to be passed that the proportion which the assessment of the properties in the town of Whitby other than farm lands bears to the said lands shall not be changed during the period aforesaid (so that the aggregate thereof shall be reduced).

4. That the owners of farm lands shall continue to be entitled to the benefits of the exemptions under the provisions of *The Consolidated Assessment Act of 1892*, section 7a, and of any amending Acts which may hereafter be passed, and the exemptions to which such farm lands in the town of Whitby may be entitled shall be fixed by by-law for the said period without the necessity of an annual or any application by the owners thereof. The owners of said lands to have the right of appeal to the county judge as therein provided.

5. That the owners of such farm lands shall also be entitled to a rebate of two and one-half mills on the dollar of assessment in each year in respect of taxes for general town purposes, as now levied during the period aforesaid.

6. That the council of the town of Whitby shall as far as is practicable in respect of the maintenance, repair and improvement of the roads, sidewalks and streets in that part of the town of Whitby comprised in schedule B to this by-law, deal with the same as a distinct and separate municipality, and shall not expend more than is reasonably necessary in such territory for such maintenance, repairs and improvements, and that the amount of taxes levied upon the lands mentioned in schedule B in respect of such maintenance, repair and improvement shall be expended therein from time to time to the best advantage.

7. That the public indebtedness over ordinary annual expenditure of the town shall not be increased without the consent of the owners of the farm lands mentioned in schedule B, for any purpose whatever during the period aforesaid, except in case of extraordinary expenditure occasioned by fire, or other causes not within the control of the council of this corporation.

8. That one hundred dollars shall be paid by the town treasurer to the solicitor for the promoter of the said bill towards the expense of the printing thereof and legislative charges thereon.

9. This by-law shall not take effect until the same shall have been legalized by the Legislature of the Province of Ontario.

Passed 1st April, 1895.

(Sgd.) THOMAS HUSTON,
Town Clerk,

(Sgd.) JAMES RUTLEDGE,
Mayor.

Per JOSEPH WHITE,
Acting Clerk.

[L. S.]

SCHEDULE B.

(Referred to in By-law No. 510.)

1. The following lands and premises being the north halves of lots numbers twenty-five and twenty-six, and the north-east quarter of lot number twenty-seven, in the second concession of the town or township of Whitby, and those parts of lot number twenty-seven and twenty-eight, lying north of the northern boundary of Beech street in the second concession of the said town or township of Whitby, if produced westerly until it intersects with the western boundary of said lot number twenty-eight; and all those lands now forming part of the town of Whitby lying east of the road allowance between lots numbers twenty-four and twenty-five in all the concessions in the said town or township of Whitby, and consisting of the south halves of lots numbers twenty-two, twenty-three and twenty-four in the second concession of the town or township of Whitby, and the north half of lot number twenty-two, and the whole of lots numbers twenty-three, and twenty-four in the first concession of the town or township of Whitby, and the whole of lot number twenty-four in the broken front concession of the town or township of Whitby, and all those lands now forming part of the town of Whitby and lying west of the road allowance between lots numbers twenty-eight and twenty-nine in all the concessions of the said town or township of Whitby, and consisting of the south halves of lots numbers twenty-nine, thirty and thirty-one in the second concession of the said town or township of Whitby, and the whole of lots numbers twenty-nine and thirty and the north half of lot number thirty-one in the first concession of the town or township of Whitby, and the whole of lot number twenty-nine in the broken front concession of the said town or township of Whitby.

CHAPTER 93.

An Act respecting the Debt of the Town of Woodstock.

[Assented to 16th April, 1895.]

WHEREAS the corporation of the town of Woodstock, in Preamble, the county of Oxford, has, exclusive of local improvement debentures an outstanding debenture debt amounting to \$388,457; and whereas the said debt was contracted from time to time for the promotion of railways, the encouragement of manufactures, the building of schools, waterworks and other public works within the said town; and whereas the amount to be raised yearly on behalf of the said debenture debt for interest and sinking fund aggregates the sum of \$38,800, and in addition to which a further sum has to be raised for the share of the said town under the by-laws of the county of Oxford for building a court house and house of refuge for the said county; and whereas the sinking fund for the payment of the above debenture debt has been raised from year to year and now amounts to the sum of \$119,000; and whereas there is now outstanding a floating debt of \$7,000, for which no provision has been made; and whereas the yearly charge on the ratable property of the said town to meet the said debt together with necessary annual expenses of the said town is too burdensome on the present ratepayers; and whereas the said corporation has by its petition prayed that an Act may be passed to empower the said corporation to issue debentures, not exceeding \$7,000 in any one year for the next ten succeeding years, including the year 1895, to meet a portion of the said debenture debt, and also to issue a debenture for the further sum of \$7,000 to pay off the floating debt above referred to, and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the town of Woodstock may from time to time, during each of the ten years beginning with the year one thousand eight hundred and ninety-five and ending 33 s. Power to issue debentures for \$7,000 in each year for ten years.

with the year nineteen hundred and four, both inclusive, pass by-laws authorizing the issue of new debentures of the said town for any amount not exceeding in any one year the sum of \$7,000, payable in thirty years from their respective dates, for the purpose of retiring or renewing a portion of the debentures now outstanding against the town of Woodstock, or placing the said sum to the credit of the sinking fund, and of paying the whole or any part of the share of the said county debt falling due within the year within which such county debts shall become payable as aforesaid, the same to bear interest at a rate not exceeding five per centum per annum, payable yearly, and to be in such sums, and either in Canadian or sterling currency, and payable at such places in Ontario, Canada or Great Britain, as the council of the said corporation shall deem best, and provided further that the said new debentures to be issued under this Act and all moneys arising from their sale shall, to the full extent thereof, be applied to the sinking fund for the purpose of retiring and redeeming the said outstanding debentures so maturing in the first instance and the said share of the said town of the said county debt.

Proviso.

Power to issue debentures for \$7,000 to pay floating debt.

2. It shall be lawful for the said corporation to pass a by-law or by-laws authorizing the issue of debentures for an amount not exceeding \$7,000, payable twenty years from the date thereof, in like form and manner as the first named debentures hereby authorized may be issued, for the purpose of paying the said unprovided for floating debt, and the proceeds thereof shall be applied to that purpose only.

Estimated interest on investment of sinking fund.

3. In settling the sum to be raised annually for the payment of all the said new debenture debt, the rate of interest on the investment of the sinking fund shall not be estimated at more than four per centum per annum, to be capitalized yearly, and to such extent the rate of interest on such investments may be so estimated by the said council.

Debenture accounts.

4. The treasurer of the said town, for the time being, shall keep a separate account of the two sets of debentures hereby authorized to be issued and of the rates directed to be levied in respect thereof, and shall not pay over any portion of the said rates except to the credit of the sinking fund, for the purpose of paying principal in respect of the debts of, or debentures in respect of which, such rates shall be raised as aforesaid; and no by-law or resolution of the said council shall be any protection to the said treasurer for any disobedience by him of this enactment.

Application of provisions of 55 V., c. 42.

5. Except as is herein provided the said by-laws shall be passed and the debentures thereunder to be issued shall be issued and the duties of the officers of the said corporation in

respect

respect thereto shall be in accordance with the provisions of of the said *Consolidated Municipal Act, 1892*, as now existing.

6. Any by-law or by-laws so to be made shall contain provisions for the levying in each year during the currency of the debentures thereby authorized to be issued of an equal annual special rate on all the assessable real and personal property within the said town sufficient to pay the yearly interest payable on such debentures, and to provide a sinking fund sufficient to pay off the principal of said debentures when they shall fall due, and such rate shall be so levied as therein provided in like manner as other rates.

7. It shall not be necessary to obtain the assent of the electors of the said town of Woodstock to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*. Assent of electors not required. 55 V. c. 42.

8. Nothing in this Act contained shall relieve the said corporation of the town of Woodstock from its liability to the holders of the said now outstanding debentures or shall impair the obligation of the said corporation to pay the said outstanding debentures according to their tenor and effect. Rights of creditors of town preserved.

CHAPTER 94.

An Act respecting the Township of York.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS, the corporation of the township of York, in the county of York, by petition has represented that a certain by-law of the municipal corporation of the township of York, intituled "No. 1,370A: A by-law to provide for the issue of debentures to the amount of \$20,000 to aid and assist The Toronto and Richmond Hill Street Railway Company (Limited) to construct their electric street railway, and to authorize the levying of a special rate for the payment of debentures and interest thereon," and a certain by-law of the said municipal corporation of the township of York, intituled "No. 1,404: A by-law to provide for the issue of debentures to the amount of \$20,000 to aid and assist The Toronto and Richmond Hill Street Railway Company (Limited) to construct their electric street railway, and to authorize the levying of a special rate for the payment of debentures and interest thereon," respectively, have been quashed by the order of the Honorable Mr. Justice Rose, and that a large sum of money has been levied and collected on account of the rates imposed by said respective by-laws; that the said municipal corporation may be empowered to appropriate and distribute the moneys so levied and collected among the parties entitled thereto; that by the terms of the agreement between said municipal corporation and The Toronto and Richmond Hill Street Railway Company (Limited), the time for the construction of said railway having long since expired, power should be given to the said municipal corporation to repeal a certain by-law of said corporation, intituled "No. 1,381: A by-law to provide for the issue of debentures to the amount of \$20,000 to aid and assist The Toronto and Richmond Hill Street Railway Company (Limited) to construct their electric street railway, and to authorize the levying of a special rate for the payment of debentures and interest thereon," that the said municipal corporation may be empowered to remit the taxes imposed by said by-law, but which have not at the date of the coming into force of this Act been levied and collected; that the said corporation may be empowered to appropriate and distribute the moneys levied and collected under said by-law

law number 1,381 among the parties entitled thereto; and whereas there has been collected under the said by-laws No. 1,370 A and No. 1,404 the sum of \$871.20, and under by-law No. 1,381 the sum of \$1,877.25; and whereas by the said petition it has also been asked that the said corporation may be empowered to appoint an assessment commissioner; that the said corporation may appoint their treasurer to levy and collect all taxes, rates and assessments imposed by said council from year to year, with all the powers conferred upon a collector of taxes; and whereas it has been made to appear that owing to the suburban character of a large part of the said township such special provisions would be of great advantage to the said township; and whereas by the said petition it is further alleged that a certain by-law of the municipal corporation of the county of York, intituled "No. 692: A by-law to raise by way of loan the sum of \$25,000 upon the credit of the non-resident land fund," and a certain other by-law of the municipal corporation of the county of York, intituled "No. 693: A by-law to authorize the payment of certain debenture money to the township of York," and a by-law of the corporation of the township of York, intituled "No. 1,563: A by-law authorizing the treasurer to pay over certain moneys to the treasurer of the county of York," may be validated and confirmed;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The municipal council of the township of York may pass the necessary by-law to appropriate and distribute the moneys levied and collected on account of the special rates imposed by by-laws numbers 1,370A and 1,404 of the said corporation among the parties who paid the same or to the legal representatives of such of the parties who paid the same as may at the date of such distribution be dead.

By-laws for distribution of moneys levied under by-laws 1,370A and 1,404.

2. The said council may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-law or by-laws as may be necessary.

By-laws for repealing by-law 1,381 remitting rates and distributing moneys raised thereunder.

(1) To repeal by-law number 1,381 of the said corporation of the township of York.

(2) To remit so much of the special rate imposed under and in pursuance of the provisions of the said by-law number 1,381 as have not at the date of the coming into force of this Act been levied and collected; and

(3) To appropriate and distribute the moneys which have been levied and collected on account of the said special rate among the parties who paid same, or the legal representatives of such of the parties who paid same as may at the date of such distribution be dead.

Appointment
of assessment
commissioner,
board of assess-
sors. 55 V.
c.42.

3. The municipal council of the corporation of the township of York, in addition to the powers conferred upon it to appoint assessors under the provisions of section 254 of *The Consolidated Municipal Act 1892*, may appoint an assessment commissioner who shall, from time to time, have authority and control over such assessors as may be appointed by said municipal council, and such commissioner and assessors shall constitute a board of assessors and shall possess all the powers and perform the duties of assessors appointed under the provisions of said section 254; and the said council shall also have power by by-law to prescribe the duties of any commissioner, assessor or collector to be appointed by said municipal corporation, and any commissioner, assessor or collector to be so appointed need not be appointed annually, but shall hold office at the pleasure of the council.

Powers of
treasurer as to
levying and
collecting
taxes.

4. The municipal council of the corporation of the township of York may by by-law appoint and authorize their treasurer to levy and collect all taxes, rates and assessments which may be imposed from year to year by said municipal council with all the powers conferred by law upon a collector of taxes, anything to the contrary in any general Act notwithstanding.

By-laws 692,
693 and 1,563
confirmed.

5. The by-law of the corporation of the county of York number 692, intituled "A by-law to raise by way of loan the sum of \$25,000 upon the credit of the non-resident land fund," the by-law of the said corporation of the county of York number 693, intituled "A by-law to authorize the payment of certain debenture money to the township of York," and a by-law of the corporation of the township of York number 1,563, intituled "A by-law to authorize the treasurer to pay over certain moneys to the treasurer of the county of York," (which respective by-laws are fully set forth in schedules A, B and C to this Act), and all debentures issued or to be issued under the provisions of said respective by-laws, are hereby confirmed and declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof.

SCHEDULE A.

(Section 5.)

No. 692. A By-law to raise by way of loan the sum of \$25,000 upon the credit of the non-resident land fund.

Whereas under the provisions of section 215 of *The Consolidated Assessment Act 1892*, a municipal county council may, from time to time, by by-law, authorize the warden to issue
under

under the corporate seal upon the credit of the non-resident land fund, debentures payable not later than eight years after the date thereof, and for sums not less than \$100 each, so that the whole of the debentures at any time issued and unpaid do not exceed two-thirds of all arrears then due and accruing upon the lands in the county, together with such other sums as may be in the treasurer's hands or otherwise invested to the credit of the said fund ;

And whereas the municipal council of the corporation of the township of York have made an application to the municipal council of the county of York to issue upon the credit of the non-resident land fund of the county of York debentures payable not later than eight years after the date thereof to the amount of \$25,000, such debentures to bear interest at the rate of four per centum per annum ;

And whereas it is expedient to grant such application ;

And whereas it is expedient that the principal and interest of such debentures should be made payable by annual instalments as provided by section 342 of *The Consolidated Municipal Act 1892* ;

And whereas the amount of the debt which this by-law is intended to create is the sum of \$25,000 and interest thereon as hereinafter mentioned ;

And whereas it will require the sum set forth in the schedule to this by-law annexed to be raised annually for the payment of the said debt and interest ;

And whereas the amount of the whole rateable property in the county of York according to the last revised assessment roll is \$30,024,174 ;

And whereas the whole of the non-resident land fund is upwards of \$40,000 ;

And whereas the existing debenture debt of the county of York is \$11,163.28, of which no part is in arrear for principal or interest ;

Be it therefore enacted by the municipal council of the corporation of the county of York, as follows :

1. That it shall be lawful for the warden of the said municipal corporation of the county of York, and he is hereby authorized and required to cause any number of debentures of the said corporation to be made for such sums of money as may be required to carry out the provisions of this by-law in currency, not less than \$100 each, payable at the office of the county treasurer for the county of York at the city of Toronto, and such debentures shall be sealed with the seal of the said corporation and be signed by the said warden and the treasurer of the said municipal corporation of the county of York.

2. That the principal money of said debentures shall in the aggregate be the sum of \$25,000 and no more, and the interest thereon shall be at the rate of four per centum per annum and no more, payable half-yearly, and the said principal money

shall

shall be made repayable by annual instalments on the fifteenth day of February in each year during the period of eight years from the date at which this by-law takes effect as set forth in said schedule hereto annexed, such instalments to be of such amounts as that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of said period. Coupons for payment of interest may be attached to such debentures.

3. That the debentures to be issued hereunder may contain a provision in the following words :

"This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable, except by entry by the treasurer or his deputy in the debenture registry book of the said corporation of the county of York."

4. This by-law shall take effect on, from and after the second day of February, A.D. 1895.

Passed this second day of February, A.D. 1895.

GEO. EAKIN,
Clerk.

[Seal]

JAMES C. STOKES,
Warden.

Schedule referred to in the annexed by-law showing the amounts to be raised annually as provided by the said by-law.

	Amount to be raised for payment of interest.	Amount to be raised for payment of principal.	Total amount to be raised to pay instalments of principal and interest.
1 Aug. 15, 1895..	\$500 00	.....	.....
Feb. 15, 1896..	500 00	\$2,713 20	\$3,713 20
2 Aug. 15, 1896..	445 74	.....	.....
Feb. 15, 1897..	445 74	2,821 72	3,713 20
3 Aug. 15, 1897..	389 31	.....	.....
Feb. 15, 1898..	389 30	2,934 59	3,713 20
4 Aug. 15, 1898..	330 62	.....	.....
Feb. 15, 1899..	330 61	3,051 97	3,713 20
5 Aug. 15, 1899..	269 57	.....	.....
Feb. 15, 1900..	269 57	3,174 06	3,713 20
6 Aug. 15, 1900..	206 09	.....	.....
Feb. 15, 1901..	206 09	3,301 02	3,713 20
7 Aug. 15, 1901..	140 07	.....	.....
Feb. 15, 1902..	140 07	3,433 06	3,713 20
8 Aug. 15, 1902..	71 41	.....	.....
Feb. 15, 1903..	71 41	3,570 38	3,713 20

SCHEDULE B.

(Section 5.)

By-law No. 693. A By-law to authorize the payment of certain debenture money to the township of York.

The municipal council of the corporation of the county of York enacts as follows :

1. The treasurer of the county of York is hereby authorized and directed to pay to the treasurer of the township of York the proceeds of the sale of the debentures authorized to be issued by by-law number 692 upon the performance of the conditions set forth in the second clause of this by-law.

2. The treasurer of the said county shall not pay over the said money unless and until a certified copy of a by-law of the corporation of the township of York approved of by the county solicitor is deposited with the said treasurer of the said county, which by-law is to contain a provision that the treasurer of the said township shall pay over to the treasurer of the said county, until the debentures hereinbefore mentioned are fully paid, all moneys received by the treasurer of the said township on account of taxes due on non-resident lands in the said township of York, and that the said township will pay all expenses connected with and caused in consequence of the passing of said by-laws No. 691 and of by-law No. 692.

Passed this 2nd day of February, A. D., 1895.

GEO. EAKIN,

Clerk.

[L. S.]

JAMES C. STOKES,

Warden.

SCHEDULE C.

(Section 5.)

No. 1,563. A By-law authorizing the treasurer to pay over certain moneys to the treasurer of the county of York.

Whereas the treasurer of the county of York has been directed to pay to the treasurer of the township of York the proceeds of the sale of debentures issued under the provisions of by-law No. 692 of the county of York, entitled "A by-law to raise by way of loan the sum of \$25,000 upon the credit of the non-resident land fund," upon condition that the municipal council of the corporation of the township of York should pass this by-law.

Be it therefore enacted by the municipal council of the corporation of the township of York :

1. That the treasurer of the municipal corporation of the township of York shall, the treasurer for the county of York having paid over to this corporation the proceeds of the sale of debentures issued under the provisions of by-law No. 692 of the county of York, entitled "A by-law to raise by way of loan the sum of \$25,000 upon the credit of the non-resident land fund," pay over to the treasurer of the municipal corporation of the county of York, until such time as the debentures hereinbefore mentioned issued or to be issued under the provisions of said by-law No. 692 of the county of York are fully paid, or until a sufficient sum to pay both principal and interest secured by said debentures has been received by the county treasurer of the county of York from taxes due on non-resident lands in the township of York, all moneys received by the said treasurer of the municipal corporation of the township of York on account of taxes from time to time paid to him under the provisions of sections 143 and 144 of *The Consolidated Assessment Act 1892*, and any Acts amending same.

The said municipal corporation of the township of York hereby undertake and agree with the municipal corporation of the county of York to pay all reasonable costs and expenses of and incidental to and caused in consequence of the passing of said by-law No. 692, and also to pay all costs and expenses of and incidental to and caused in consequence of the passing of said by-law No. 691 and the issuing of the said debentures thereunder.

Passed this 11th day of February, A. D., 1895.

W. A. CLARKE,
Clerk.

[L. S.]

WILLIAM J. HILL,
Reeve.

CHAPTER 95.

An Act to incorporate the Brantford, Port Dover and Galt Radial Electric Railway Company.

[Assented to 16th April, 1895.]

WHEREAS Thomas Elliott contractor, Charles H. Waterous, manufacturer, Patrick Louis Conner, manufacturer, Hugh McKenzie Wilson, Queen's counsel, and Levi Secord, doctor of medicine, all of the city of Brantford, in the county of Brant, have prayed for an Act of incorporation under the name of "The Brantford, Port Dover and Galt Radial Electric Railway Company" for the purpose of constructing and operating electric railways from the city of Brantford through the township of Brantford and through or near the town of Paris and through the townships of South Dumfries and North Dumfries, to a point in or near the town of Galt, in the county of Waterloo; also from the said city of Brantford through the townships of Brantford, Oakland and Townsend, to a point in or near the town of Simcoe, in the county of Norfolk, and thence through or between the townships of Windham, Charlotteville and Woodhouse to a point in or near the village of Port Dover, in the said county of Norfolk; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Thomas Elliott, Charles H. Waterous, Patrick Louis Conner, Hugh McKenzie Wilson, and Levi Secord and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Brantford, Port Dover and Galt Radial Electric Railway Company."

Incorporation.

2. The said company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair iron or steel railways to be operated by electricity, with double or single iron or steel tracks, from the city of Brantford through the township of Brantford and through or near

Location of line.

near the town of Paris and through the townships of South Dumfries and North Dumfries to a point in or near the town of Galt, in the county of Waterloo; and also from the said city of Brantford through the townships of Brantford, Oakland and Townsend to a point in or near the town of Simcoe, in the county of Norfolk, and thence through or between the townships of Windham, Charlotteville and Woodhouse to a point in or near the village of Port Dover, in the said county of Norfolk, and the said railways, or either of them, or any part thereof, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in *The Electric Railway Act, 1895* contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

58 V. c. 38.

55 V. c. 42.

Provisional directors.

3. The said Thomas Elliott, Charles H. Waterous, Patrick Louis Conner, Hugh McKenzie Wilson, and Levi Secord, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act, 1895*, by the shareholders.

58 V. c. 38.

Meetings of provisional directors.

4. All meetings of the provisional board of directors of the said company shall be held at the city of Brantford, in the county of Brant, or at such other place as may best suit the interests of the said company.

Capital stock.

5. The capital stock of the company hereby incorporated shall be \$600,000, to be divided into 6,000 shares of \$100 each.

Directors.

58 V. c. 38.

6. The board of directors of the said company shall consist of seven persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.

7. The head office of the said company shall be at the Head office, said city of Brantford.

8. The several clauses of *The Electric Railway Act, 1895*,^{Application of Electric Railway Act.} and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said electric railway Act, and of every Act in amendment thereof so incorporated with this Act.

9. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act, 1895*,^{Construction of line in sections.} and to deposit the same as required by the clauses of the said Electric Railway Act, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid, of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said Electric Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways, had been taken, made, examined, certified and deposited according to the said clauses of the said Electric Railway Act and the amendments thereof with respect to "plans and surveys."^{58 V. c. 38.}

10. The said railways shall be commenced within two years and completed to the extent of a through connection with either Port Dover or Galt aforesaid within three years, and finally completed within five years after the passing of this Act.^{Commencement and completion of line.}

Issue of bonds.

58 V. c. 38.

11. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$12,000 for each mile of the said railways ; and the provisions of sections 20, 21, 22, 23, 24 and 25 of *The Electric Railway Act, 1895*, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said sections.

CHAPTER 96.

Act respecting the Fort Erie Ferry Railway Company.

[Assented to 16th April, 1895.]

WHEREAS the Fort Erie Ferry Railway Company has by Preamble.
its petition prayed that an Act may be passed providing for certain amendments to the Act of the Legislature of the Province of Ontario passed in the 50th year of Her Majesty's reign, chaptered 76, incorporating the said Company and for an extension of the powers conferred upon the company thereby; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said the Fort Erie Ferry Railway Company is hereby authorized and empowered to increase its capital stock to an amount not exceeding one hundred and fifty thousand dollars. Power to increase capital stock to \$150,000.

2. The said company is hereby authorized and empowered to extend, construct, maintain, complete and operate its railway and the extension pursuant to the powers contained in the said Act of incorporation and in this Act, from the present western terminus of the said railway in the township of Bertie, in the county of Welland, to a point in or near the village of Port Colborne in the said county of Welland, such extended line to run through the southern portions of the townships of Bertie and Humberstone between the Buffalo and Goderich division of the Grand Trunk Railway Company of Canada and the north shore of Lake Erie; provided that all the provisions of *The Electric Railway Act, 1895*, save in so far as the same are inconsistent with the provisions of this Act shall apply to the extension hereby authorized if such extension is operated by electric power. Extension of line to Port Colborne. 58 V. c. 38.

3. The said company is hereby authorized and empowered to run and operate the trains and carriages on said line and extension either by steam or electric power. Motive power.

Power houses
and repair
shops.

4. The said company is hereby authorized and empowered to purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and sell and convey such land as may be found superfluous for any such purpose.

Parks.

5. The said company is hereby authorized and empowered to purchase, lease, or acquire by voluntary donation, and hold for any estate in the same, and sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto, subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate, shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; provided also that such park or pleasure grounds shall not be open to the public on the Lord's Day; and provided also that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; provided also that the said company shall not under this section have power to acquire any lands after the lapse of four years from the passing of this Act; and provided further that nothing in this section contained shall be deemed to enable the said company to carry on the general business of a land company.

Time for com-
mencing and
completing
extension.

6. The said extension shall be commenced within three years and completed within five years after the passing of this Act.

Powers here-
tofore granted
not affected.

7. Nothing in this Act shall be deemed to take away any of the powers and privileges heretofore enjoyed by the said company and all the powers and privileges heretofore enjoyed by the said company are hereby made applicable to the said extension, save in so far as such powers or privileges are inconsistent with the provisions of *The Electric Railway Act, 1895*.

58 V. c. 38.

CHAPTER 97.

An Act to incorporate The Grand Valley Railway Company.

[Assented to 16th April, 1895.]

WHEREAS, Allan Bowman and James B. Pedder of the township of Waterloo, Alexander Black Robertson of the township of Wellesley, W. D. Turnbull of the town of Galt, Thomas Bridger, George A. Bouteiller, Ezra Carl Breithaupt, James E. Skidmore, and Herbert J. Bowman of the town of Berlin, Frederick Colquhoun and Thomas M. Burt of the town of Waterloo, all in the county of Waterloo, and Henry New of the city of Hamilton in the county of Wentworth, have by their petition prayed for an Act to incorporate a railway company to be known as "The Grand Valley Railway Company," with power to construct, maintain and operate, a steam railway from the town of Berlin in the county of Waterloo, in a southerly direction, passing through the townships of Waterloo and North Dumfries, in the said county of Waterloo, and the townships of South Dumfries and Brantford, in the county of Brant, to a point at or near the city of Brantford; and from the said town of Berlin in a northwesterly direction, passing through the townships of Waterloo, Woolwich and Wellesley, in the county of Waterloo, and the townships of Mornington and Wallace, in the county of Perth, and the townships of Peel and Maryborough, in the county of Wellington, to the town of Listowel in the said county of Perth; and with power to construct and operate a branch line westerly from the village of Erbsville, in the township of Waterloo, passing through the townships of Woolwich, Wellesley and Wilnot, in the county of Waterloo, and the township of North Easthope, in the county of Perth, to the city of Stratford, in the said county of Perth; and northerly from the town of Berlin, passing through the townships of Waterloo and Woolwich, in the county of Waterloo, and the township of Pilkington, in the county of Wellington, to the Village of Elora, in the said county of Wellington; and whereas it is expedient to grant the prayer of the said petition.

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation **1.** The said Allan Bowman, James R. Pedder, Alexander Black Robertson, W. D. Turnbull, Thomas Bridger, George Bouteiller, Ezra Carl Breithaupt, James E. Skidmore, Herbert J. Bowman, Frederick Colquhoun, Thomas M. Burt and Henry New and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Grand Valley Railway Company."

Location of lines. **2.** The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate a steam railway with double or single iron or steel tracks, from the town of Berlin, in the county of Waterloo, in a southerly direction, passing through the townships of Waterloo and North Dumfries, in the said county of Waterloo, and the townships of South Dumfries and Brantford, in the County of Brant, to a point at or near the city of Brantford; and from the said town of Berlin in a northwesterly direction, passing through the townships of Waterloo, Woolwich and Wellesley, in the county of Waterloo, and the townships of Mornington and Wallace, in the county of Perth, and the townships of Peel and Maryborough, in the county of Wellington, to the town of Listowel, in the said county of Perth; and with power to construct and operate a branch line westerly from the village of Erbsville, in the township of Waterloo, passing through the townships of Woolwich, Wellesley and Wilmot, in the county of Waterloo, and the township of North Easthope, in the county of Perth, to the city of Stratford, in the said county of Perth; and northerly from the town of Berlin through the townships of Waterloo and Woolwich, in the county of Waterloo, and the township of Pilkington, in the county of Wellington, to the village of Elora, in the said county of Wellington.

Gauge. **3.** The gauge of the said railway shall be four feet eight and one-half inches.

Provisional Directors. **4.** The said Allan Bowman, James R. Pedder, Alexander Black Robertson, W. D. Turnbull, Thomas Bridger, George Bouteiller, Ezra Carl Breithaupt, James E. Skidmore, Herbert J. Bowman, Frederick Colquhoun, Thomas M. Burt and Henry New, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

5. The said board of provisional directors shall have power Powers of Provisional Directors. forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers, as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Berlin in the said county of Waterloo, or at such other place as may best suit the interest of the said company. Rev. Stat. c. 170.

6. Conveyances of lands to the said company for the purposes Conveyances of land to company. of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. Subscriptions for stock when binding.

Aid to railway **8.** The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital stock. **9.** The capital stock of the company hereby incorporated shall be \$300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into three thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First election of directors. **10.** When and as soon as shares to the amount of \$30,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said town of Berlin of the time, place and purpose of the said meeting.

Number of directors and quorum. **11.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until

the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director. Rev. Stat., c. 170.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said railway Act and the amendments thereof with respect to "plans and surveys."

14. The said company is hereby authorized to purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and the said company are authorized to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities Power to acquire lands for parks.

wherein

wherein the same are situate, or any of them, in respect thereto, subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the said company are situate shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; provided also that such park or pleasure grounds shall not be opened to the public on the Lord's Day to be used for games, picnics, concerts, excursions or other public entertainments; and provided also, that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; and provided, also, that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

Rights of
aliens.

15. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Issue of debentures.

16. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered, to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

17. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Grand Valley Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Trusts of proceeds of debentures.

18. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to trustees.

19. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$15,000 for each mile of the said railway, and the provisions of subsections 20, 21, 22, 23 and 24 of section 9, of *The Railway Act of Ontario*, as said section is amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty Queen Victoria, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said subsections.

Issue of bonds.

20. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Bonds, etc., how payable

21. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill of exchange made, accepted, or endorsed by the president

Transfer of bonds.

Negotiable instruments.

or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Mortgaging or pledging bonds.

22. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements with other companies for leasing or hiring rolling stock.

23. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Telegraph and telephone lines.

24. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

25. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 27 of this Act

Calls on stock.

26. The provisional directors, or the elected directors, may pay, or agree to pay, in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Payments in stock or bonds.

27. The head office of the said company shall be at the said town of Berlin, and the general annual meeting of the shareholders of the said company shall be held in such place in the said town of Berlin, on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said town of Berlin during the four weeks preceding the week in which such meeting is to be held.

Head office general annual meeting.

28. Special general meetings of the shareholders of the said company may be held at such place, and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Special general meetings.

29. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Aid from municipalities.

Submitting
bonus
by-laws.

30. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely :

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

55 V. c. 42.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1892*, and the amendments thereto.

55 V. c. 42.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section, by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law what
to contain.

31. Such by-law shall in each instance provide :

(1) For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases, respectively.

Petition
against aid
from county.

32. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any

other

other ground ought not to be included therein and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

33. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality. "Minor municipality," meaning of.

34. Before any such by-law is submitted, the railway company, shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit to be made before by-law is submitted.

35. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. Council to pass by-law if assented to by ratepayers.

36. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act. Issue of debentures.

37. In case any such loan, guarantee, or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. Levying rates on portion of municipality.

38. The provisions of *The Consolidated Municipal Act 1892*, and the amendments thereto, so far as the same are not inconsistent

sistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

39. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend time for completion.

40. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

41. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company, may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, then three cents in the dollar upon the value of the ratable property therein.

By-laws granting exemption from taxation.

42. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

43. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of

way,

way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

44. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

Rev. Stat. c. 170.

45. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring material for construction.

Rev. Stat. c. 170.

46.—(1) When said gravel, stone, earth, or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material

Sidings to gravel pits.

shall

Rev. Stat. c.
170.

shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat. c.
170.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Arrangements
with other
companies.

47. The said company shall have power to agree for connections and make running arrangements with The Grand Trunk Railway Company of Canada, the Galt, Preston and Hespeler Street Railway Company, and the Berlin and Waterloo Street Railway Company, or either of them, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with the said railway companies or either of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of either or of both or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Transfer of
shares.

48. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates

issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

49. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose. Warehouses, etc.

50. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Payment of back charges on goods.

51. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same. Contracts for construction and equipment.

52. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act. Incorporation of provisions of Rev. Stat., c. 170.

53. The railway shall be commenced within three years and finally completed within five years after the passing of this Act. Commencement and completion of line.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of _____ dollars paid to me (or us) by the Grand Valley Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of _____ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Grand Valley Railway Company, their successors and assigns for ever (*here insert any other clauses, covenants and conditions required*), and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered }
in the presence of }

[L.S.]

SCHEDULE B.

(Section 17.)

CHIEF ENGINEER'S CERTIFICATE.

The Grand Valley Company's Office.

No. .

A.D. 18

ENGINEER'S DEPARTMENT.

Certificate to be attached to cheques drawn on The Grand Valley Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign :

I, A. B., Chief Engineer of the Grand Valley Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. , of the township of (or under the agreement dated the day of 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of *(here set out the terms and conditions, if any, which have been fulfilled).*

CHAPTER 98.

An Act to incorporate the Guelph Railway Company,
and to confirm an agreement between the Corpora-
tion of the City of Guelph and George Sleeman.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS, George Sleeman, George A. Sleeman, Charles E. Sleeman, William H. Sleeman, and Sarah Sleeman, all of the township of Guelph, in the county of Wellington, have by their petition prayed for an Act of incorporation for the purpose of enabling the company so to be incorporated to construct, maintain, and operate a surface street railway in the City of Guelph, under the contract or agreement dated the 7th day of August, 1894, between the corporation of the city of Guelph and George Sleeman, and to legalize the arrangement witnessed by the said agreement, with power to such company to construct, maintain, and operate such railway by electric or other power other than steam, and with power to extend the same as hereinafter mentioned, and with other powers necessary for carrying out the undertaking; and whereas the corporation of the city of Guelph have by their petition also prayed for an Act to be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement
between city
of Guelph and
George
Sleeman con-
tinued.

1. The agreement between the corporation of the city of Guelph and the said George Sleeman, and by the said George Sleeman to be transferred to the company hereby incorporated, and which agreement is fully set forth in schedule A to this Act, is hereby declared to be valid, legal, and to be binding upon the said corporation of the City of Guelph and upon the company hereby incorporated, and it is hereby declared that under the said agreement such company shall be entitled to the exclusive right and privilege of using and working surface street railways in and upon the streets of the city of Guelph, according to the terms and under the conditions of the said agreement for the full period of thirty years from the first day

of

of April, 1895, and subject to clause 35 of the aforesaid agreement for an additional period of ten years, the whole to be subject to all the conditions, provisos, and restrictions in the said agreement expressed and contained.

2. The said George Sleeman, George A. Sleeman, Charles E. Sleeman, William H. Sleeman, and Sarah Sleeman, together with such other persons or corporations as shall become shareholders of the company hereby incorporated, are hereby constituted a body corporate and politic by the name of The Guelph Railway Company.

Incorporation
of Guelph
Railway Com-
pany.

3. After the said agreement has been assigned to the company it shall, subject to the provisions and conditions contained therein, have full and exclusive power to construct, complete, maintain and operate, and from time to time remove or change a double or single track street railway, with the necessary side-tracks, switches, and turnouts for the passage of cars, carriages, and other vehicles adapted to the same upon or along all or any of the streets or highways of the city of Guelph, subject to the conditions aforesaid, and to take, transport, and carry passengers and freight upon the same by the force and power of animals, electricity, or other motive power other than steam, and to construct and maintain and from time to time alter, repair, or enlarge all necessary and convenient stations, buildings, and conveniences therewith connected or required for the due and efficient working thereof, and to purchase, acquire, construct, or manufacture all engines, carriages, cars, and other machinery and contrivances necessary for all the purposes of the undertaking, and shall have full power to carry out, fulfil and execute said agreement and conditions.

Location of
line.

4. Wherever in the said agreement George Sleeman covenants or agrees to do, observe, fulfil, and keep any covenant, agreement, or condition, the said company, after the said agreement has been assigned to them, shall be bound to observe, fulfil, and keep such covenant, agreement, and condition, and all such covenants, agreements, and conditions shall be as binding upon the said company as if they were expressly named as parties of the second part in the said agreement instead of the said George Sleeman.

Company sub-
stituted for
Geo. Sleeman
in agreement
with city.

5. So long as the company operate the said railway under the said agreement, the rails, cars, and other properties of the company in so far as the same are used for the said railway shall be exempt from taxation by the corporation of the city of Guelph for the period of twenty years from the first day of April, 1895, and the income derived by any shareholders of the company from such shares shall also be exempt from taxation by the corporation of the city of Guelph for the period of twenty years from the said date.

Exemption
from municip-
al taxation.

Extension of
line beyond
the limits of
the city.

6. The said company is hereby authorized and empowered to extend the said railway outside the limits of the said city of Guelph southeasterly to the Ontario Agricultural College and northwesterly to the Union cemetery, both in the township of Guelph, in the county of Wellington, which extensions shall be called respectively extensions numbers one and two, and the said extensions of the said railway or any of them may be carried along and upon such highways as may be authorized by the by-laws of the respective municipalities having jurisdiction over the highways and subject to any restrictions therein contained and under and subject to any agreement hereafter to be made between the council of the said corporations respectively and the said company, and the councils of such municipal corporations and the company may make and enter into any agreement as to the terms of occupancy of any street or highway, and the said extensions of the said railway and every of them the said company is hereby authorized and empowered to survey, lay out, construct, complete, maintain, and operate with iron or steel rails, with double or single tracks, and with the necessary side-tracks, switches, and turnouts, and to take, transport, and carry passengers and freight upon the same by the force and power of animals, electricity, or other motive power other than steam, and to construct and maintain and from time to time alter, repair, and enlarge all necessary and convenient stations, buildings, and conveniences therewith connected or required for the due and efficient working of the railway and extensions, and to purchase, acquire, construct or maintain all engines, carriages, cars, and other machinery and contrivances necessary for the purposes of the railway and extensions.

Gauge.

7. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional
directors.

8. The said George Sleeman, George A. Sleeman, Charles E. Sleeman, William H. Sleeman and Sarah Sleeman, with power to add to their number, are hereby constituted a board of provisional directors of the said company, of which a majority shall be a quorum, and shall hold office as such until other directors shall be appointed, under the provisions of this Act by the shareholders.

Meetings of
board of
directors.

9. All meetings of the provisional board of directors shall be held at the city of Guelph, in the county of Wellington

Capital stock.

10. The capital stock of the company hereby incorporated shall be \$100,000, to be divided into 1,000 shares of \$100 each

Subscriptions
not to be bind-
ing until
approved.

11. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be

approved

approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

12. The head office of the company shall be at the city of Guelph, and all general meetings of the company whether annual or special shall be held at the head office and on such days and at such hours as may be directed by the by-laws of the company and upon such notice as is prescribed by *The Electric Railway Act 1895*. Head office—meetings. 58 V. c. 38.

13. The board of directors of the company shall consist of five persons who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act 1895*. Number of directors. 58 V. c. 38.

14. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Collection of back charges on goods.

15. Sub-sections 5, 7, 8, 9 and 12 of section 9, sections 10 to 17 inclusive, sections 20 to 26 inclusive, sections 44, 45, 46 and 48 inclusive, sections 52 to 54 inclusive, sub-sections 1, 4, 5, 13 of section 55, sections 56, 58, 60, 62, 63, 77, 81 and sub-section 1 of section 84, section 89 and schedule A of *The Electric Railway Act, 1895*, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the said sections of the said Electric Railway Act and every amendment thereof. Application of certain provisions of Electric Railway Act. 58 V. c. 38.

SCHEDULE A.

(Section 1.)

This indenture made in duplicate this seventh day of August, one thousand eight hundred and ninety-four, between the corporation of the city of Guelph, (hereinafter called "the city"), of the first part; and George Sleeman, of the township of Guelph, in the county of Wellington, brewer, (hereinafter called "Sleeman"), of the second part.

Witnesseth that the city, for itself, its successors and assigns, in consideration of the covenants and agreements hereinafter contained on the part of the said Sleeman, his heirs, executors, administrators and assigns, to be observed and performed and of the observance and performance thereof, and the said Sleeman, for himself, his heirs, executors, administrators and assigns, in consideration of the grant of the franchise and privileges herein contained, do hereby mutually covenant and agree the one with the other in manner following, that is to say :

1. The city agrees to grant and doth hereby grant to the said Sleeman, permission to construct, maintain, complete and operate a surface street railway in the city, subject to the provisions hereinafter mentioned, with power to the said Sleeman to double track the whole or part, as he may deem necessary to serve the wants of the residents and general public, as follows :—Commencing at the city boundary on the Dundas road, thence along the Dundas road and Gordon street, thence along the Market square and Carden street to Wyndham street, thence along Wyndham street, Woolwich street and the Elora road to the west boundary of the city on said Elora road, and which said streets shall form and be called section 1 of the said railway, and the city further agrees to grant to the said Sleeman permission to construct, maintain, complete and operate such street railway on such of the other streets of the city as the said Sleeman may from time to time designate, as hereinafter mentioned.

2. The said Sleeman shall have power to carry the said railway over existing bridges of the city on the lines of the said railway ; provided that the said Sleeman shall, and he hereby agrees to widen such bridges at his own expense, if the ordinary travel or traffic over same shall, by reason of such railway, necessitate wider bridges.

3. The said Sleeman agrees that the first section of said railway, as described in paragraph 1 hereof shall be constructed by the said Sleeman and put in operation within two years from the first day of April, 1895.

4. Upon the expiration of the said term of two years from the first day of April, 1895, yearly, in each of the four succeeding years, the said Sleeman agrees to complete and have

in operation at least one mile of other sections of said street railway to be constructed by him upon other streets in the city, such streets to be designated by the said Sleeman, and the said Sleeman agrees duly to make such designation in order to carry out the true intent and meaning hereof.

5. The said Sleeman shall have the right to operate the said street railway for both passengers and freight traffic.

6. The permission hereby given and the grant hereby made by the city to the said Sleeman shall be and continue for a term of twenty years from the passage of a by-law by the city to ratify and sanction this agreement and such term shall be renewed for a further term of ten years from the expiration of the said term of twenty years in the event of legislation being obtained to enable this to be done. And the city hereby undertakes immediately after request being made by the said Sleeman to aid in procuring legislation necessary to authorize such renewal for such further term of ten years and to legalize this indenture. The privilege hereby granted by the city to the said Sleeman is to be an exclusive privilege subject to the terms of this agreement so far as the city has power or authority to grant such exclusive privilege.

7. The said Sleeman shall maintain the said railway, including ties, stringers, rails, turnouts, curves, etc., in a state of thorough efficiency.

8. The gauge of the said system shall be the standard gauge for street railways, and the location of the railway on any street shall not be made by the said Sleeman until plans thereof showing the proposed position of the rails and the style of rail to be used shall have been submitted to and approved in writing by the city engineer or the city council.

9. The tracks of the said railway shall conform to the grades of the streets upon which they are respectively laid, and the said Sleeman shall not in any way change or alter the same without the written permission of the city engineer or the city council.

10. The city shall have the right to take up and replace the streets traversed by the railway lines for the purpose of altering the grades thereof, constructing and repairing pavements, drains and sewers and for laying down or repairing gas or water or sewer pipes and for all other purposes within the powers of the city, without being liable for any compensation or damage which may be occasioned to the working of the railway or works connected therewith, but the city shall not interfere with the working of the railway to any greater extent than may be reasonably necessary for the purpose of such works.

11. The privilege hereby granted is also subject to any existing rights (statutory or otherwise) of any other corporation which now has power or authority to take up the streets of the city, such rights to be exercised with permission and under the direction of the city engineer.

12. The track allowances as hereinafter specified shall be kept free from snow and ice at the expense of the said Sleeman; the said Sleeman, may if he sees fit, run sleighs when the accumulation of ice or snow is sufficient to impede the running of the cars, and if and when the said Sleeman does not run sleighs the said Sleeman may remove the snow and ice from the tracks and distribute the same evenly on the streets so as not to impede ordinary traffic along or across the streets.

13. All works necessary for the constructing or laying down of the rails or tramways or for operating the road by electricity or other power shall be made in a substantial manner according to the then existing modern practice and street railway system.

14. All spaces between the rails and between the tracks of at least one foot six inches from the outside of the track shall be kept by the said Sleeman constantly in good order, and in the same general condition of repair as the street outside the tracks is maintained by the city and shall be maintained flush with the rails by the said Sleeman who shall also be bound to construct and keep in repair as aforesaid, crossings of a character approved by the city engineer, at the intersection of the street railway track with cross streets or highways which may cross the same.

15. The rails and cars to be used by the said Sleeman shall be of modern design or pattern. All persons using the streets or highways shall be at liberty to travel upon the portion of the railway occupied by the railway and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portion of the said highway and the wheels thereof upon said rails without charge by the said Sleeman, it being provided, however, that the cars of the said Sleeman shall have the first right of way over the said railway or tramway and all vehicles or persons travelling on that portion of the said streets occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any cars of the said Sleeman so as to give the said car or cars full right of way.

16. The said Sleeman shall operate the railway at all lawful times and with such frequency and number of cars as will meet the wants of the residents and the general public.

17. The said Sleeman shall be liable for all damages occasioned through his neglect or default by reason of the existence of the rails upon the said highway, and the said Sleeman covenants and agrees to hold the said city in all respects harmless in respect thereof, and upon demand shall forthwith pay to the said city all sums payable by, or recovered against, the said city in respect of any such claims, together with all costs of, or incidental to, such claims incurred by the

said

said city, and such claims and costs shall be a first lien on the said railway and the interest of the said Sleeman therein.

18. Should the said Sleeman neglect to keep the said tracks, roads, crossings or ballastings in good condition, according to the terms of this agreement, or to have the necessary repairs, according to this agreement, made thereon, the city may give notice requiring such repairs to be forthwith made, and it is agreed between the parties hereto that a certificate of the engineer for the time being of the said city as to the necessity of such repairs, in order to keep the said track or roadway or crossings in good condition, shall be binding and conclusive upon the said Sleeman; and if, after such notification has been given requiring such repairs to be made, the said Sleeman does not within one week begin to carry to completion with all reasonable diligence and complete such repairs within fifteen days from receipt of such notice, or such further time as the engineer or city council may allow, the city shall be at liberty to remove the rails of the said Sleeman and to place the said streets and highways in a proper state of repair at the expense of the said Sleeman, and the said Sleeman hereby agrees to pay for such work as may be done on demand, and the cost of such repairs shall be a lien on the said rails and upon the said Sleeman's interest in the property, and the said Sleeman shall not have the right to relay the said rails and use the said streets unless and until he either repays the cost of said repairs to the said city or pays such cost into the high court for the city, in case the amount claimed for repairs by the city is disputed.

19. The said Sleeman shall not be entitled to charge fares upon the said railway higher than the following:

Single cash fares are to be five cents each.

Fares after eleven o'clock at night and before five o'clock in the morning to be double the ordinary maximum single fares.

A class of tickets must be sold at the rate of eight for twenty-five cents, the same to be used only by passengers entering the cars between the time the cars commence running after five o'clock a.m. and eight o'clock a.m., and between five o'clock p.m. and half-past six o'clock p.m.

A class of fares must be sold at the rate of twenty-five for one dollar (\$1.00); and

Another class at the rate of six for twenty-five cents.

Children under nine years of age, and not in arms, are to be carried at half-fare rates, and infants in arms are to be carried free; school children are to have school tickets at the rate of ten for twenty-five cents, only to be used between eight a.m. and five p.m., and not on Saturdays.

The payment of a fare shall entitle the passenger to a continuous ride from any point on said railway to any other point on a main line or branch of said railway within the city limits; and, to enable this service to be carried out, transfer

arrangements

arrangements shall be made by the said Sleeman. Police constables in uniform, detective police officers in the employ of the city, and (while a fire is in progress) members of the city fire department, in uniform, shall be carried free.

20. The said Sleeman shall be liable to, and shall indemnify the city against, all damages arising out of the construction or operation of the said railway system.

21. Cars are to be of the most improved design for service and comfort, including heating, lighting, signal appliance, numbers and route boards. They must be kept clean, inside and out, and shall not exhibit advertisements outside which shall be unsightly or disfigure the cars. The platforms must be provided with gates. Smoking will only be allowed on the front platform of closed cars and the rear seat and platform of open cars.

22. Each car is to be in charge of a uniformed conductor, who shall clearly announce the names of cross-streets as the cars reach them. Conductors shall not permit ladies or children to enter or leave the cars while the cars are in motion, and shall only receive and discharge passengers on the right, or curb, side of vehicles on double-track routes. On branch or light suburban lines, where horse-power is permitted, single-horse cars may be run in charge of a uniformed driver.

23. Cars are not to be overcrowded, only a comfortable number of passengers for each class of cars to be carried therein.

24. Cars shall only be stopped clear of cross-streets and midway between streets where distance exceeds six hundred feet.

25. It is expressly understood and agreed between the parties hereto that this agreement is to be considered as giving only such permission or franchise as the corporation of the city of Guelph has power to give, and if it shall be held by any court of competent jurisdiction that the city has not power to grant permission or franchise hereby given that thereupon this agreement shall be null and void and of no effect, subject, however, to any provisions of any Act of the legislature, to be obtained as hereinafter mentioned.

26. The said Sleeman covenants with the said city that he will abide by, submit to, perform and fulfill in every respect any agreement, privilege or franchise that may be made, given or granted under the provisions hereof, or in pursuance of this agreement.

27. The city agrees so long as the said Sleeman operates the said railway under this agreement to exempt the rails, cars and other property of the said Sleeman from taxation for a period of ten years, so far as the city has power so to do, and they agree to consent to legislation to extend such exemption for such further period not exceeding twenty years,

as the legislature may consent to; and the city also agrees to exempt from taxation for a period of ten years the income derived by any shareholders of any company which may hereafter be formed for the purpose of operating the said railway, and they agree to consent to legislation to extend such exemption for such further period, not exceeding twenty years, as the legislature may consent to.

28. If the said Sleeman does not construct and operate the first section of said railway, according to the terms of this agreement, within two years from the first day of April, 1895, but the said Sleeman shall have made substantial progress with the work towards completion thereof, the said Sleeman agrees to pay the city twenty dollars (\$20) for each and every month that he shall be in default after the first day of April, 1897.

29. If the said Sleeman shall wholly fail in constructing a substantial part of the first section of the said railway, according to the terms of this agreement, by the first day of April, 1897, the said Sleeman agrees to pay the city five hundred dollars (\$500) by way of liquidated damages, and he also shall forfeit all the franchises and privileges conferred by this agreement, and the same shall then be null and void.

30. If the said Sleeman, after having completed the first section of the said railway, shall nevertheless fail in constructing and operating at least one mile of other sections of the said street railway, to be constructed on other streets to be designated by the said Sleeman as aforesaid, in each year for four years after the said term of two years has expired, as hereinbefore set out, the said Sleeman agrees to pay to the city as and by way of liquidated damages the sum of twenty dollars (\$20) for each and every month's default in this clause mentioned.

31. If the said Sleeman, after having constructed part of the said railway, shall cease *bona fide* to operate the same for the term of six months continuously, then the said Sleeman shall be taken to have abandoned the said undertaking, and the city may by one month's notice in writing to the said Sleeman, after the said period of six months, declare the franchise hereby conferred and other privileges granted hereunder to be forfeited, and thereupon this agreement shall be utterly null and void, and the city shall be entitled to cause the rails and other property of the said Sleeman to be removed from the streets and the streets restored at the expense of the said Sleeman, and the cost of such removal and restoration shall be a lien on the said rails and on the interest of the said Sleeman in the said railway.

32. And it is hereby agreed that application be made to the Legislature of Ontario to legalize the arrangement witnessed by this agreement, such Act to be either in the

form

form of an Act to incorporate a company to operate the said street railway, and to confer powers upon it or otherwise as counsel may advise, and that the expense of such Act shall be borne equally between the city and the said Sleeman, that is to say one-half by each.

33. It is further understood and agreed that both parties hereto shall execute all deeds, grants, instruments and agreements, and the city shall pass any by-law or by-laws that may be necessary to carry out the full intent and meaning hereof.

34. The city consents to the said Sleeman extending the line of street railway outside the city limits, subject to the said Sleeman obtaining the approval of any other municipal authority concerned.

35. At the termination of said period of thirty years, the city may, in the event of the council so desiring, take over all the real and personal property necessary to be used in connection with the working of the said railway within the city limits, at a value to be determined by one or more arbitrators (not exceeding three) to be appointed as provided in *The Municipal Act* and *The Acts respecting Arbitrations and References*, and to have all the powers of arbitrators appointed under the said Acts, in which case the arbitrators shall allow for the value of the privilege or franchise a sum equal to the net profits of operating the said railway for the preceding ten years, and if the city council do not determine to take over the said railway, the said Sleeman shall be entitled to an extension of the privilege or franchise hereby granted for a further period of ten years, and on the same terms, and at the termination of such extended period of ten years the city may take over the railway property aforesaid at a valuation to be made as aforesaid, but without anything being allowed for the value of the franchise and thereafter the provisions of section 18 of *The Street Railway Act*, R.S.O., 1887, shall apply.

36. It is further understood and agreed that the said Sleeman may associate other persons with him in the said undertaking, and if and when he does so he shall be at liberty by such instruments as may be deemed necessary to transfer to such other persons along with himself an interest in this agreement, provided he and they jointly and severally assume the obligations that said Sleeman hereby enters into with the said city; and the said Sleeman hereby agrees to form an incorporated company either under the general Act, Revised Statutes of Ontario, 1887, chapter 171, or under a special Act to be obtained by them for the purpose of constructing and operating the said railway.

37. When an incorporated company shall be formed the said Sleeman and others so associated with him shall be at liberty to transfer absolutely to such company all interest under this agreement, provided such incorporated company shall and may

lawfully assume all obligations hereby entered into by said Sleeman and others with the city and thereupon the said Sleeman and others shall be personally released from such obligation.

As witness the corporate seal of the city of Guelph and the hands of the mayor and clerk thereof, and the hand and seal of the said George Sleeman, this seventh day of August, A.D. 1894.

Witness,

(Signed) ARTHUR KILNER,
as to GEORGE SLEEMAN.

(Signed) JAMES HEWER,
Chairman.

(Signed) RICHARD MITCHELL,
City Clerk.

(Signed) GEO. SLEEMAN. [Seal]

[Corporate seal]

CHAPTER 99.

An Act to incorporate The Hamilton, Burlington and Lake Shore Electric Railway Company.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS Maitland Young, of the village of Burlington, in the county of Halton, George Allan, of the same place, and John Proctor, of the city of Hamilton, have prayed for an Act of incorporation under the name of "The Hamilton, Burlington and Lake Shore Electric Railway Company," for the purpose of constructing and operating electric railways from the city of Hamilton by the north side of Burlington Bay to the village of Burlington, and thence on to the town of Oakville, in the county of Halton, and also from the said village of Burlington to the said city by way of Hamilton Beach; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Maitland Young, George Allan, John Proctor, George S. Proctor and Ralph E. Young, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Hamilton, Burlington and Lake Shore Electric Railway Company."

Location of line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair iron or steel railways, to be operated by electricity with double or single iron or steel tracks, from the city of Hamilton by the north side of Burlington Bay to the village of Burlington, in the county of Halton, and thence to the town of Oakville, in the county of Halton; also from the said village of Burlington to the city of Hamilton by way of Hamilton Beach, and the said railways or either of them or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to

to the restrictions and provisions therein, and in *The Electric Railway Act, 1895* contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act 1892*, and any Act or Acts amending the same.

3. Maitland Young, George Allan, John Proctor, George S. Proctor and Ralph E. Young, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act, 1895*, by the shareholders.

4. All meetings of the provisional board of directors of the said company shall be held at the city of Hamilton, or at such other place as may best suit the interests of the said company.

5. The capital stock of the company hereby incorporated shall be \$300,000, to be divided into 3,000 shares of \$100 each.

6. The board of directors of the said company shall consist of five persons who shall be elected in the manner prescribed by *The Electric Railway Act, 1895*, and shall possess the qualifications hereinafter mentioned.

7. No person shall be qualified to be elected a director by the shareholders, unless he be a shareholder, holding at least five shares of stock in the said company upon which all calls have been paid.

8. The head office of the said company shall be at the said city of Hamilton, and all general meetings of the said company, whether annual or special, shall be held in such place in the said city of Hamilton, or in such other place and on such days and at such hours as may be directed by the by-laws of the said company, and upon such notice as is prescribed by *The Electric Railway Act, 1895*.

9. Subject to the provisions of section 15 of *The Electric Railway Act, 1895*, the said company shall have power to enter into any agreement with the Grand Trunk Railway Company of Canada, if lawfully authorized to enter into such

an agreement, for the leasing, hiring or use by the said company of the lands, tracks or structures of the Grand Trunk Railway Company of Canada, or any portions thereof, on such terms as to compensation and otherwise as may be agreed on; provided that electric power only shall be used in operating any portion of the company's line; but nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Issue of bonds.

10. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$15,000 for each mile of the said railways, and the provisions of sections 20, 21, 22, 23, 24 and 25 of *The Electric Railway Act, 1895*, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with, the provisions of the said sections.

58 V. c. 38.

Construction of line by sections.

11. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act, 1895*, and to deposit the same as required by the sections of the said Electric Railway Act and the amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid, of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said Electric Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of the said railways had been taken, made, examined, certified and deposited according to the said sections of the said Electric Railway Act, and the amendments thereof, with respect to "plans and surveys."

58 V. c. 38.

12. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

Application of
Electric Rail-
way Act, 58
V. c. 38.

13. The railway shall be commenced within two years and completed within five years after the passing of this Act.

Commence-
ment and
completion of
line.

CHAPTER 100.

An Act respecting the Hamilton and Dundas Street Railway.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS the Hamilton and Dundas Street Railway Company were by section 1 of an Act passed in the 53rd year of her Majesty's reign, chapter 119, authorized to call in certain outstanding bonds, with the consent in writing of all the holders thereof; and whereas by the said section the said company were also authorized, after obtaining the consent in writing of all the holders of preferential stock in the company, to call in and cancel certain issues of preference stock; and whereas it was further by the said section provided that upon such calling in of the said bonds, a certain mortgage executed to trustees for the further securing the same should be discharged and cease to be a charge on the undertaking and property of the company; and whereas by section 2 of the said Act, the said company were authorized, after said consent had been obtained, to issue perpetual debenture stock or new bonds, to an amount not exceeding \$150,000; and whereas all the holders of the said first-mentioned issue of bonds, with one exception, have given the required consent to the calling in and cancellation of such bonds; and whereas the said company have by their petition prayed that an Act may be passed to amend the said Act passed in the 53rd year of Her Majesty's reign, so as to enable the said company to exercise the powers conferred upon them by sections 1 and 2 of the said Act, after obtaining the consent of all of said bondholders and holders of preferential stock with one exception; and whereas the said company have prayed for other changes in their corporate powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

53 V. c. 119,
ss. 1 and 2,
amended.

1. The consent required by sections 1 and 2 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 119,

shall

shall be sufficient if given respectively by all the bondholders and holders of preferential stock in the said company with the said one exception; provided that such holder of any of the bonds or preferential stock mentioned in the said sections, who objects to the revocation and cancellation of the bonds or preferential stock held by such holder upon the terms mentioned in the said Act passed in the 53rd year of Her Majesty's reign, chapter 119, may retain the same subject to the terms under which they were originally sold.

2. The said company are, in addition to the powers given by the sections 2 and 3 of the last mentioned Act, authorized to issue, as part of their capital, second mortgage bonds for a sum not to exceed \$100,000, to form a lien on the undertaking and real property of the said company (including its rolling stock and equipments) then existing or at any time thereafter acquired, and its rents and income next after any unpaid vendors' liens and any issue of debenture stock or bonds to be issued as a first and preferential charge under the said Act, and if the company elect to issue any second mortgage bonds the provisions of the 3rd section of the said Act shall be applicable to such issue.

Power to issue second mortgage bonds for \$100,000.

3. Section 4 of the last mentioned Act is amended by inserting in the 4th line thereof after the word "bonds," the words "or second mortgage bonds."

53 V., c. 119, s. 4, amended

4. Section 5 of the said last mentioned Act is amended by inserting after the word "bonds" in the 4th line thereof, the words "or second mortgage bonds."

53 V., c. 119, s. 5, amended.

5. Subject to the provisions of sub-section 9 of section 9 and of section 37 of *The Electric Railway Act, 1895*, except as to crossings heretofore constructed, the company may operate their road by electricity as a motive power, but only after the consent of the council of the city of Hamilton has been obtained as to that part of the road within the city limits, east of Queen street, and they may operate that part of the road outside the city limits and as far east as Queen street in the city, both as to freight and passenger service, either by electricity or steam or by both powers as they may elect; provided that the consent of the council of any municipality through which said road or any part thereof may pass, or in which the same may be situate be first had and obtained.

Use of electricity for motive power.

6. Subject to the provisions of sub-section 9 of section 9 and of sections 18 and 37 of *The Electric Railway Act, 1895*, the company may, with the consent of the council of the city of Hamilton, to be given by a by-law or by-laws of such council and subject to such terms and conditions as may be thereby imposed, change in part or in whole the route of

Changing route with consent of councils.

their

their road as located in the said city, and they may change the location of their line in the townships of Ancaster and Barton and in the town of Dundas, subject, however, to the consent of the said municipalities so as to ease curves and grades, and to make connection with any railway line now or hereafter built at any point in the said townships, and the said company may construct a spur line if necessary to connect with any such railway, and the said company may sell and convey to any purchaser, free from existing mortgage to secure bonded debts, any lands owned by them which they cease to occupy by reason of any change in the route as aforesaid; provided that the existing mortgage to secure the bonded debt of the company and the bonds secured thereby, shall apply to and include the line of the said company and the franchise property and assets of the said company, to the same extent and in the same manner as if the said change of line had been made before the execution of such mortgage security.

Warehouses,
docks, etc.

7. The company may purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops and offices, and may sell and convey such land as may be found superfluous for any such purpose.

Works for
producing
electricity.

8. The company may construct, maintain and operate works for the production of electricity for the motive power of the said railway and for lighting and heating the rolling stock of the company, and the company may sell or lease any such electricity not required for the purposes aforesaid, to any person or corporation, and in that behalf shall possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under the *Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Rev. Stat.
c. 165.

Reducing
number of
directors.

9. The said company may by by-law, reduce the number of the directors of the company to any number not less than three

By-laws of
City of Ham-
ilton not
affected.

10. Nothing in this Act contained shall alter or affect any provisions or restrictions contained in any by-laws of the city of Hamilton relative to the said company or to any other company, or in any agreement between the said city corporation and any of such companies or shall be construed as extending or enlarging any powers or privileges granted by any such by-laws or agreements.

CHAPTER 101.

An Act respecting the Hamilton Radial Electric Railway Company.

[Assented to 16th April, 1895.]

WHEREAS the Hamilton Radial Electric Railway Com- Preamble.
pany have by their petition prayed for an Act to amend their Act of incorporation, by providing that those portions of the system of the said railway company running from the city of Hamilton to the city of Guelph, and from the city of Hamilton to the town of Berlin, may be operated by either steam or electricity, and that by reason of the difficulties connected with the construction of the said portions of the said railway, the borrowing powers of the said company may be, so far as relates to those portions of their said railway, increased as hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything to the contrary in the Act to incorporate the Hamilton Radial Electric Railway Company passed in the 57th year of Her Majesty's reign, chaptered 88, those portions of the said company's system of railways between the city of Hamilton and the city of Guelph, and the city of Hamilton and the town of Berlin, may be operated by either steam or electricity. Operation of certain parts of railways by steam.

2. Section 26 of the said Act is amended by inserting after 57 V. c. 88, s. the word "railways" in the fifth line thereof, the words 26 amended.
"other than the lines from the city of Hamilton to the city of Guelph, and from the city of Hamilton to the town of Berlin, in respect of which the whole amount of the issue of such bonds shall not exceed in all the sum of \$30,000 for each mile thereof." Bonding powers.

CHAPTER 102.

An Act to incorporate The Hamilton, Valley City and Waterloo Railway Company.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS Alexander Burns, Frederick A. Carpenter, Thomas Ramsay, James Frank Smith, John Hoodless, James Edwin O'Reilly, Alexander McKay, Richard H. McKay, Frederick Chester Fearman, Charles J. Myles, William N. Myles, all of the city of Hamilton in the county of Wentworth, William Andrews, of the city of Guelph in the county of Wellington, Thomas Bain, of the town of Dundas in the county of Wentworth, and Edward J. Powell, of the city of London in the county of Middlesex, have by their petition prayed for an act of incorporation under the name of "The Hamilton, Valley City and Waterloo Railway Company" for the purpose of constructing and operating electric railways from the city of Hamilton to the town of Waterloo, passing through the townships of Barton and Ancaster, and through the town of Dundas, and from a point in the town of Dundas through the townships of West Flamboro', Beverly, North Dumfries and Waterloo, and with power to construct and operate a branch line from some point on this main line to the city of Guelph, passing through the townships of West and East Flamboro', Beverly, Puslinch and Guelph; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. The said Alexander Burns, Frederick A. Carpenter, Thomas Ramsay, James Frank Smith, John Hoodless, James Edwin O'Reilly, Alexander McKay, Richard H. McKay, Frederick Chester Fearman, Charles J. Myles, William N. Myles, William Andrews, Thomas Bain and Edward J. Powell and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Hamilton, Valley City and Waterloo Railway Company."

2.

2. The said company is hereby authorized and empowered to survey, lay out, construct, make complete, alter and keep in repair, iron and steel railways to be operated by electricity, with double or single iron or steel tracks, from the city of Hamilton to the town of Waterloo, passing through the townships of Barton and Ancaster, through the town of Dundas, and from a point in the town of Dundas through the townships of West Flamboro', Beverly, North Dumfries and Waterloo; also from some point on the line of said railway to the city of Guelph, passing through the townships of West Flamboro', East Flamboro', Beverly, Puslinch and Guelph; and the said railways or either of them, or any part thereof, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in *The Electric Railway Act, 1895*, 58 V. c. 38. Location of lines.

and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same. 58 V. c. 38.
55 V. c. 42.

3. The said Alexander Burns, Frederick A. Carpenter, Thomas Ramsay, James Frank Smith, John Hoodless, James Edwin O'Reilly, Alexander McKay, Richard H. McKay, Frederick Chester Fearman, Charles J. Myles, William N. Myles, William Andrews, Thomas Bain and Edward J. Powell, with power to add to their numbers, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act, 1895*, by the shareholders. Provisional directors.

4. All meetings of the provisional board of directors of the said company shall be held at the city of Hamilton, in the county of Wentworth, or at such other place as may best suit the interests of the said company. Meetings of provisional board of directors.

5. The capital stock of the company hereby incorporated shall be \$400,000, to be divided into 4,000 shares of \$100 each. Capital stock.

Board of
directors ho
composed.

6. The board of directors of the said company shall consist of not less than seven nor more than eleven persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.

Head office.

7. The head office of the said company shall be at the said city of Hamilton.

Issue of
bonds.

8. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$12,000 for each mile of the said railways, and the provisions of sections 20, 21, 22, 23, 24 and 25 of *The Electric Railway Act, 1895*, shall apply to all such bonds, and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sections.

58 V. c. 38.

Amalgama-
tion with
other compan-
ies.

9. The said company shall have power to amalgamate with or to agree for connections and making running arrangements with the Hamilton and Dundas Street Railway Company, the Galt, Preston and Hespeler Street Railway Company, and the Berlin and Waterloo street railway company, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the purchase, or leasing or hiring of any portion of the railway herein authorized, or the use thereof, or for the purchase or leasing or hiring any electric motors, carriages or cars or any of them, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing, or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of any of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, or the railways with which such amalgamation, connections or running arrangements may be made, or for the purchase, lease, hiring or use of which in whole

or in part, any such agreement may be made, and provided that no such agreement for amalgamation, connections, running arrangements, purchase, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent thereto by a by-law or by-laws of the municipality or municipalities in or through which the railway of the company with which said amalgamation, connections or running arrangements are to be made, runs, has been obtained, and shall be subject to such terms and conditions as may be contained in such by-law or by-laws; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

10. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act, 1895*, and to deposit the same as required by the clauses of the said Electric Railway Act, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid, of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said Electric Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Electric Railway Act and the amendments thereof with respect to "plans and surveys."

Construction
of line in
sections.

58 V. c. 38.

11. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act,"

Incorporation
of provisions
of Electric
Railway Act.

when

when used herein, shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commence-
ment and
completion of
line.

12. The railways shall be commenced within two years and completed to the extent of a through connection with the town of Berlin or Waterloo in four years, and finally completed within five years after the passing of this Act.

CHAPTER 103.

An Act respecting The Irondale, Bancroft and Ottawa Railway Company.

[Assented to 16th April, 1895.]

WHEREAS The Irondale, Bancroft and Ottawa Railway Company have by their petition prayed that an Act may be passed extending the time for completion of the company's railway and authorizing the company to extend their line from a point in the county of Hastings to connect with the bridge of the Brockville and St. Lawrence Bridge Company at or near Brockville, and to extend and amend the company's powers respecting connections and agreements with other lines, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The time for the building and completion of the said company's lines of railway and branches or extensions heretofore authorized is hereby extended to the 1st day of January, 1901.

Time for construction of line extended.

2. The said company is hereby authorized to lay out, construct, finish and operate a line of railway either from some point at or near Bancroft, in the county of Hastings, to the point of connection with the Brockville and St. Lawrence Bridge Company's line at or near the town of Brockville, passing by the route deemed most advantageous through the county of Addington and the county of Frontenac at or near Plevna, and the county of Lanark at or near Perth, and the county of Leeds to the said point at or near Brockville; or from some point at or near Bancroft aforesaid on the company's present line of railway to a point on the line of the Brockville, Westport and Sault Ste. Marie Railway at or near Westport, in the county of Leeds, passing by the route deemed most advantageous through the county of Addington and the county of Frontenac at or near Plevna.

Location of extended line.

Powers of municipalities as to granting aid suspended until route selected.

3. Until the company has made its election as to the location of the said line of railway under the powers conferred by section 2 of this Act, it shall not be lawful for the company to enter into negotiations with any municipality or portion of a municipality along either of the proposed routes for the granting of aid in the construction of either of the said lines of railway, and until such election has been made the powers conferred upon municipalities or portions of municipalities by the Acts relating to the company as to the granting of bonuses shall not be exercised by such municipalities.

Application of present powers of company to new work.

4. All the rights and powers of the company respecting their lines of railway heretofore authorized shall apply to the lines authorized by this Act.

Debentures in aid of company to conform to law.

5. Subject to the provisions of section 1 of *An Act respecting The Irondale, Bancroft and Ottawa Railway Company*, passed in the 51st year of Her Majesty's reign, chapter 68, as to the time for payment of debentures, the issue and making of any debenture which any municipality may under any act or provision of law in that behalf make or issue by way of or as a grant of aid to the company shall conform and be subject to all Acts and provisions of law at present in force in that behalf.

Gauge.

6. The gauge of the said railway shall be four feet eight and one-half inches.

Power to construct line in sections.

7. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which their lines of railway heretofore or hereby authorized are to pass, together with maps or plans thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railways and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may, from time to time, see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit, as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railways, all and every of the clauses of the said Railway Act and the amendments thereof applicable to the company shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and

Rev. Stat. c. 170.

taken,

taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

8. Sub-sections 20, 21, 22, 23 and 24 of section 9 of *The Railway Act of Ontario*, as amended by the Act, chaptered 45, passed in the 53rd year of Her Majesty's reign, are hereby declared to have been and to be applicable to the said company, and the company has had and shall have power to issue bonds, subject and according to, and in conformity with the provisions of the said sub-sections, for the purpose of raising money for prosecuting the said undertaking under the said sub-sections to the extent of, but not exceeding twenty thousand dollars per mile for the length of railway constructed or in course of or under contract for construction at the time of the issue thereof.

Application of certain clauses of Rev. Stat. c. 170.

9. The company may construct a telephone line and an electric telegraph line in connection with their lines of railway, and for the purpose of constructing, working and protecting such telephone and telegraph lines the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter 158 of the Revised Statutes of Ontario, 1887, and any amendments thereto, are hereby conferred upon the company; provided that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

Telephone and telegraph lines.

10. The company shall have the right on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty or into or upon any lands of any corporation or persons whatsoever lying along the routes or lines of their railways and to erect and maintain snow fences thereon, subject to the payment of such damages, if any, as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the 1st day of April next following.

Snow fences.

Proviso.

11. The company is authorized and empowered to make necessary arrangements and to contract and agree with the Brockville, Westport and Sault Ste. Marie Railway Company, if lawfully authorized to enter into such arrangements, for amalgamation of the two companies, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders voting either in person or represented by proxy at a special general meeting to be called for the purpose of considering the same; but nothing in this section shall be construed as purporting or intending to confer rights or powers

Agreements with Brockville, Westport and Sault Ste. Marie R. W. Co. Proviso.

upon

upon any company which is not within the legislative authority of the Province of Ontario.

Guaranteeing
bonds of blast
furnace com-
panies.

12. The company may, under the authority of a resolution of nine-tenths of its shareholders present or represented at a general annual meeting, or at a special general meeting called for the purpose, and on such terms as may be agreed upon, guarantee payment of the principal and interest, or any part thereof, of bonds, debentures or other securities issued or to be issued by any company establishing a blast furnace on or near the company's line of railway or any branch thereof and may secure such payment by the pledge or mortgage of the bonds or debentures of the company issued or to be issued under the provisions of its charter and of *The Railway Act of Ontario* and amendments thereto and may take from the blast furnace company or otherwise securities upon real estate or otherwise in respect of such guarantee; and under the like authority the company may subscribe and pay for shares in the capital stock of any such blast furnace company.

Rev. Stat. c.
170.

Commence-
ment and com-
pletion of new
work.

13. The lines of railway authorized by this Act shall be commenced within three years and completed within five years after the passing of this Act.

CHAPTER 104.

An Act to incorporate the Kingston and Gananoque Electric Railway Company.

[Assented to 16th April, 1895.]

WHEREAS John M. Campbell of the city of Kingston, electrician, Chilion Jones of the town of Brockville in the county of Leeds, manufacturer, Nicholas Awrey of the city of Hamilton, merchant, E. L. Atkinson, Charles E. Britton and W. J. Gibson of the town of Gananoque in the county of Leeds, manufacturers, F. S. M. Blunn of the city of New York in the United States of America, merchant, B. M. Britton of the city of Kingston, barrister, and B. B. Taggart of the town of Watertown in the state of New York, manufacturer, have by their petition prayed that they may be incorporated under the name of The Kingston and Gananoque Electric Railway Company for the purpose of constructing and operating an electric railway from some point in the city of Kingston to some point in the town of Gananoque with power to extend the said railway north as far as the town of Perth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. The said John M. Campbell, Chilion Jones, Nicholas Awrey, E. L. Atkinson, Charles E. Britton, W. J. Gibson, F. S. M. Blunn, B. M. Britton and B. B. Taggart and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Kingston and Gananoque Electric Railway Company."

2. The said company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair a double or single iron or steel railway to be operated by electricity with one or more branch or branches from some point in the city of Kingston through the

said

said city and the townships of Kingston and Pittsburgh to a point in or near the town of Gananoque, with the power to extend said railway east through the said town of Gananoque and the townships of Leeds, Lansdowne, and Front of Escott, and with the power to extend said railway north through the townships of Leeds, Lansdowne, South Crosby, North Crosby, Bastard, Kitley, South Elmsley, North Elmsley, and Drummond, to a point in or near the town of Perth and the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

59 V. c. 38.

58 V. c. 38.

55 V. c. 42.

Provisional
directors.

3. The said John M. Campbell, Chilion Jones, Nicholas Awrey, E. L. Atkinson, Charles E. Britton, W. J. Gibson, F. S. M. Blunn, B. M. Britton and B. B. Taggart, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the said company, with power to add to the number, of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Meetings of
provisional
directors.

4. All meetings of the provisional board of directors of the company shall be held in the town of Gananoque, in the county of Leeds, or at such other place as may best suit the interests of the said company.

Capital stock.

5. The capital stock of the said company shall be \$500,000, to be divided into 5,000 shares of \$100 each.

Board of
directors.

58 V. c. 38.

6. The board of directors of the said company shall consist of seven persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.

General meet-
ings.

7. The head office of the said company shall be either at the city of Kingston in the county of Frontenac, or the town of Gananoque in the county of Leeds, to be decided on at the first general meeting of shareholders by a majority of shareholders, then present in person or by proxy duly qualified to vote

according

according to the provisions of *The Electric Railway Act*, 58 V. c. 38, 1895, and such place so decided on shall continue to be the place for holding the general annual meetings of the shareholders of the said company until changed by a majority of votes at a general meeting of shareholders; of which change notice shall be given four weeks previously by a notice published once in the *Ontario Gazette* and in one or more of the local newspapers, and the general annual meetings of the shareholders of the said company shall be held in such place as aforesaid and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the city of Kingston and the town of Gananoque during the four weeks preceding the week in which such meeting is to be held.

8. The company may make special rates for the carriage of fruit and milk and other perishable freight. Rates for fruit and milk.

9. Subject to the provisions of section 15 of *The Electric Railway Act*, 1895, it shall be lawful for the directors of the company to enter into any agreement or agreements with any street railway company, or with any person or persons for leasing, hiring or using any electric motors, carriages or cars from such company or person for such time or times and on such terms as may be agreed upon, or for the running of the carriages or the cars of the said Kingston and Gananoque Electric Railway Company over the track of such other railway company; and also to enter into agreements with any street railway company for the use, by one or more of such contracting companies of the electric motors, carriages or cars of the other or others of them on such terms as to compensation or otherwise as may be agreed upon. Agreements with other companies for leasing or hiring rolling stock.

10. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$5,000 for each mile of the said railway, and the provisions of sections 20, 21, 22, 23 24 and 25 of *The Electric Railway Act*, 1895, shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sections. Issue of bonds. 58 V. c. 38.

11. The several clauses of *The Electric Railway Act*, 1895, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the Incorporation of provisions.

Commence-
ment and com-
pletion of line.

express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

Cataraqui
Bridge Com-
pany not
affected.

12. The railway between the city of Kingston and town of Gananoque shall be commenced within two years and completed within three years, with a further period after such completion of three years, to commence or complete and connect said railway with the town of Perth.

Rights of
Cataraqui
Bridge Co.
preserved.

13. Nothing in this Act contained shall be held to interfere with the position and rights of the Cataraqui Bridge Company.

CHAPTER 105.

An Act respecting the Kingston, Portsmouth and
Cataraqui Street Railway Company.*[Assented to 16th April, 1895.]*

WHEREAS The Kingston, Portsmouth and Cataraqui Street Railway Company has by its petition represented that by its Act of incorporation, being chapter 74 of the Acts passed in the 39th year of Her Majesty's reign, The Kingston Street Railway Company, now the said Kingston, Portsmouth and Cataraqui Street Railway Company, was authorized and empowered to construct, maintain, complete and operate a single track iron railway with the necessary side tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, upon and along such streets and highways within the jurisdiction of the corporation of the city of Kingston, and of any of the adjoining municipalities as the company might be authorized to pass along, under and subject to any agreement thereafter to be made between the councils of the said city and municipalities respectively and the said company, and under and subject to certain other provisions in the said Act contained, and that it has become desirable that the powers created by the said Act and any Acts of the Legislature of the said Province of Ontario amending the same should be extended to other municipalities than the city of Kingston and the adjoining municipalities, and that The Kingston, Portsmouth and Cataraqui Street Railway Company should have the right to contract and agree with any municipalities in the county of Frontenac for the construction and operation of their road within the limits thereof; and that the said company desires to have power to acquire and expropriate any land necessary for the construction and operation of their road; and that the said company is desirous of amalgamating with any other street railway company or companies for supplying light, heat and power, and of leasing their plant and acquiring the right to use the same; and that the said company is desirous of obtaining authority to issue stock thereof at such a rate as may be sanctioned by the shareholders in manner hereinafter provided, and to increase the number of its directors to seven, and to change the name of the said company to The Kingston, Portsmouth and Cataraqui Railway Company; and whereas it is expedient to grant the prayer of the said petition;
Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to enter into agreements with municipalities other than city of Kingston.

1. The said Kingston, Portsmouth and Cataraqui Street Railway Company is hereby authorized and empowered to exercise all powers and to enter into all agreements with any municipal council in the county of Frontenac which they can now exercise or enter into with the councils of the corporation of the city of Kingston or of the adjoining municipalities respectively.

Acquiring lands by expropriation and otherwise.

58 V. c. 38.

2.—(1) The said Kingston, Portsmouth and Cataraqui Street Railway Company is hereby authorized and empowered to exercise the power conferred upon electric railway companies by *The Electric Railway Act, 1895*, with respect to the acquisition of real estate and the expropriation thereof for the purposes of the said company, in the same manner and to the same extent as if the said Kingston, Portsmouth and Cataraqui Street Railway Company were a railway company coming within the provisions of the said Act and authorized by the provisions thereof to exercise the said powers ; and the provisions of the said Act with reference to such acquisition and expropriation shall apply to the said Kingston, Portsmouth and Cataraqui Street Railway Company as if the same were a railway company coming within the provisions of the said Act and authorized by the provisions thereof to exercise the said powers.

58 V. c. 38.

(2) Provided that nothing in this Act, or in *The Electric Railway Act, 1895*, shall confer upon the said Street Railway Company the power or right to expropriate any land or interest in land belonging to the said corporation of the city of Kingston, or held by the said corporation for public uses in the said city, or confer upon the said Street Railway Company any greater privilege or right as to the streets and highways of the said city than is given the company by section 7 of their original Act of Incorporation, passed in the 39th year of Her Majesty's reign, chaptered 74, or confer upon the said company the right to construct any railway or street railway, or any part of a railway or street railway for their use or operation in the said City of Kingston without first obtaining the leave of the City Council of the said city by by-law on such terms as shall be agreed to by the said city council.

Agreements with other companies for leasing or hiring rolling stock.

3. Subject to the provisions of section 15 of *The Electric Railway Act, 1895*, it shall be lawful for the directors of the company to enter into any agreement or agreements with any other street railway company, or with any person or persons for leasing, hiring or using any electric motors, carriages or cars from such company or person for such time or times and on

such

such terms as may be agreed upon, or for the running of the carriages or cars of the said Kingston, Portsmouth and Cataraqui Street Railway Company over the track of such other railway company; and also to enter into agreements with any street railway company for the use, by one or more of such contracting companies of the electric motors, carriages or cars of the other or others of them on such terms as to compensation or otherwise as may be agreed upon.

4. It shall be lawful for the directors of the said Kingston, Portsmouth and Cataraqui Street Railway Company to make any arrangement with any light, heat or power company to amalgamate with such company, or to lease the plant and premises thereof and to carry on the business of such company including the supplying of light, heat and power by electricity or in any other manner. Provided that all rights possessed by the said corporation of the city of Kingston under any agreement between the corporation of the city of Kingston and the late Kingston Electric Light Company, or the Kingston Light, Heat and Power Company as its successor, or under any provision of the Act passed in the 54th year of Her Majesty's reign, chaptered 107, Ontario, are hereby preserved to the said corporation of the City of Kingston, notwithstanding the passing of this Act.

Agreements with light, heat or power companies.

5. It shall be lawful for the directors of the said Kingston, Portsmouth and Cataraqui Street Railway Company in increasing the capital stock of the said company, to issue the new shares of stock at such a rate as may be sanctioned by two-thirds of the stockholders of the said company in person or by proxy at a general meeting of the stockholders of the said company, called to authorize the issuing of such additional stock, and on payment of the price fixed or agreed upon such stock shall be regarded as fully paid up stock.

Issue of shares on increasing capital stock.

6. The board of directors of the said company shall consist of seven directors, instead of six as provided by the Act of incorporation of the said company.

Number of directors.

7. Nothing in this Act except as herein specially provided or in the said Electric Railway Act, 1895, contained shall be held or construed to change, alter or affect any provision, stipulation, condition or limitation contained in the several agreements between the said Street Railway Company and the said corporation of the city of Kingston, all which agreements shall be and remain as if this Act had not been passed.

Agreements with city of Kingston not affected.

8. Notwithstanding anything contained in any agreement heretofore made between the corporation of the city of Kingston and the said Kingston, Portsmouth and Cataraqui Street

Taking over property of company in Kingston.

Railway Company, the said corporation shall not be compelled at the end of the period of forty years or any subsequent period of twenty years mentioned in the 23rd and 24th clauses of the agreement between the said parties dated the 9th day of May, 1893, and confirmed by the Act passed in the 56th year of Her Majesty's reign, chapter 91, to take over any property of the said company outside of the city of Kingston, but in the event of the said corporation taking over the said property within the city of Kingston at the end of any of the said periods, the said corporation or their assigns shall furnish to the said street railway company, and the said company shall accept the power necessary to run and operate all the lines of the said street railway company connecting with the said city and existing at the time of such taking over to the extent only to which such power is furnished from the city at the time of such taking over on such terms as shall be fixed by arbitration between the parties conducted in the manner provided in *The Consolidated Municipal Act, 1892*, in case the parties differ about the same, and shall also run and operate the lines of the said railway within the limits of the said city so as to connect with the said lines outside the said city to the best interests of each, and in such manner and subject to such conditions and regulations as to traffic arrangements as may be fixed by arbitration in manner aforesaid in case the parties differ about the same. Each of the parties shall in any arbitration under the provisions of this section bear its own costs and one-half of the costs of the arbitrator and award.

55 V. c. 42.

Name of
company.

9. The name of the said company shall hereafter be The Kingston, Portsmouth and Cataraqui Electric Railway Company; but the change in the name of the said street railway company shall in no wise affect or prejudice any agreement existing between the said Street Railway Company and the corporation of the city of Kingston, and every such agreement will be read as though the said Kingston, Portsmouth and Cataraqui Street Railway Company were therein styled "The Kingston, Portsmouth and Cataraqui Electric Railway Company," nor shall such change of name affect or prejudice any agreement or obligation between the said street railway company and any other parties, or any rights or liabilities of the said parties as between themselves with respect to assessment, taxation or other matters, all which may be enforced by or against the said company under the new name thereof.

Rights of
Cataraqui
Bridge Com-
pany.

10. Nothing in this Act contained shall be held to interfere with the position and rights of The Cataraqui Bridge Company.

CHAPTER 106.

An Act to incorporate the London Radial Electric Railway Company.

[Assented to 16th April 1895.]

WHEREAS John Bland, John S. Pearce, Donald M. Cameron, Charles H. Elliott, Samuel Sterling, William M. Gartshore, Charles W. Leonard, William J. Reid, Moses Masuret, Robert W. Puddicombe, Charles B. Hunt, William M. Spencer and Edward R. Cameron, all of the city of London in the county of Middlesex, have prayed for an Act of incorporation under the name of The London Radial Electric Railway Company, for the purpose of constructing and operating electric railways from the city of London to the villages of Lucan or Granton in the said county of Middlesex passing through the townships of London and Biddulph, in the said county of Middlesex; from the city of London to the town of Parkhill or the village of Ailsa Craig, in the said county of Middlesex, passing through the townships of London, Lobo, East Williams and West Williams in the said county of Middlesex; from the city of London to the villages of Delaware or Mount Brydges, in the said county of Middlesex, passing through the townships of Westminster, Delaware and Caradoc in the said county of Middlesex; from the city of London to the villages of Belmont or Harrietsville, in the said county of Middlesex, passing through the townships of London, Westminster and North Dorchester, in the said county of Middlesex; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said John Bland, John S. Pearce, Donald M. Cameron, Charles H. Elliott, Samuel Sterling, William M. Gartshore, Charles W. Leonard, William J. Reid, Moses Masuret, Robert W. Puddicombe, Charles B. Hunt, William M. Spencer and Edward R. Cameron and such other persons and corporations as shall hereafter become shareholders in the said company

are

are hereby constituted a body corporate and politic under the name of "The London Radial Electric Railway Company."

Location of
lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair iron or steel railways to be operated by electricity, with double or single iron or steel tracks from the city of London to the villages of Lucan or Granton, in the county of Middlesex, passing through the townships of London and Biddulph in the said county of Middlesex; from the city of London to the town of Parkhill or the village of Ailsa Craig, in the said county of Middlesex, passing through the townships of London, Lobo, East Williams and West Williams, in the said county of Middlesex; from the city of London to the villages of Delaware or Mount Brydges, in the said county of Middlesex, passing through the townships of Westminster, Delaware and Caradoc, in the said county of Middlesex; and from the city of London to the villages of Belmont or Harrietsville, in the said county of Middlesex, passing through the townships of London, Westminster, and North Dorchester, in the said county of Middlesex; and the said railways or any of them or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in *The Electric Railway Act 1895*, contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act 1892*, and any Act or Acts amending the same; provided that the said company shall not be entitled to construct or operate its railways, or any portion of them, upon the Pipe Line Road in the said township of Westminster without the consent by by-law of the corporation of the city of London, being first had and obtained and under and subject to such terms and conditions as may be contained in such by-law; and provided also that the said company shall not appropriate any of the property of the corporation of the city of London, or injure, impair or interfere with any of the rights or privileges of the said corporation or of the water commissioners for the city of London.

58 V. c. 38.

58 V. c. 42.

Provisional
directors.

3. The said John Bland, John S. Pearce, Donald M. Cameron, Charles H. Elliott, Samuel Sterling, William M. Gartshore, Charles W. Leonard, William J. Reid, Moses Masuret, Robert W. Puddicombe, Charles B. Hunt, William M. Spencer,

and

and Edward R. Cameron, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

4. All meetings of the provisional board of directors of the said company shall be held at the city of London, in the county of Middlesex, or at such other place as may best suit the interests of the said company. Meetings of provisional directors.

5. The capital stock of the company hereby incorporated shall be \$500,000, to be divided into 5,000 shares of \$100 each. Capital stock.

6. The said capital stock of the company of \$500,000, shall be applied and appropriated towards the construction of the said railway in the following manner: \$100,000 to the section or branch from London to Delaware or Mount Brydges; \$150,000 to the section or branch from London to Parkhill or Ailsa Craig; \$150,000 to the section or branch from London to Lucan or Granton; and \$100,000 to the section or branch from London to Belmont or Harrietsville. When and so soon as twenty-five per cent. of the authorized capital appropriated to any such section or branch has been subscribed, and ten per cent. of the same has been paid in cash into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the said company, for the purpose of organization, at the place where the head office is situate, at such time as they think proper, giving the notice prescribed by *The Electric Railway Act, 1895*; at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them, shall, from the shareholders possessing the qualifications in the said Act mentioned, elect seven persons to be directors of the said company. Application of capital stock.

7. The head office of the said company shall be at the said city of London. Head office.

8. The directors of the company shall have power to issue bonds and debentures of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said railway; and no bonds or debentures shall be issued until twenty-five per cent. of the authorized capital appropriated to any one of the branches or sections has been actually expended on such branch or section; and except as herein provided the borrowing powers of the company shall be governed by the said *Electric Railway Act, 1895*. Issuing bonds of debentures.

Construction
of railway in
sections.

58 V. c. 38.

9. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act, 1895*, and to deposit the same as required by the clauses of the said Electric Railway Act, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said Electric Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Electric Railway Act and the amendments thereof with respect to "plans and surveys."

Incorporation
of provisions
of Electric
Railway Act.

10. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commence-
ment and
completion of
line.

11. The railways shall be commenced within two years and completed to the extent of a through connection with either Lucan, Granton, Parkhill, Ailsa Craig, Belmont, Harrietsville, Delaware or Mount Brydges aforesaid, within three years, and finally completed within five years after the passing of this Act.

CHAPTER 107.

An Act relating to the London Street Railway Company.

[Assented to 16th April, 1895.]

WHEREAS The London Street Railway Company, here-
inafter called "the company" was duly incorporated by the Act passed by the Legislature of Ontario in the 36th year of Her Majesty's reign, chaptered 99, with the powers therein set forth, and the company was authorized and empowered to construct, maintain, complete, and operate a double or single iron railway, with the necessary side-tracks, switches and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets and highways in the municipality of the city of London and of any of the adjoining municipalities, subject to agreements to be made between the company and the said municipalities; and whereas the company has been duly organized and have built portions of their railway in the city of London and in the village of London west; and whereas the company are now desirous of extending their said railway to a point at or near Springbank on the river Thames in the township of Westminster; and whereas for the purposes of so extending their said railway the company are desirous of constructing the same upon, over and along private property in the village of London west and in the townships of London and Westminster; and whereas the company are also desirous of constructing and maintaining at Springbank aforesaid a bridge over the said river, and of acquiring, owning, erecting and managing an hotel and recreation grounds at or near Springbank; and whereas Henry A. Everett, Edward W. Moore, T. H. Smallman, Greene Pack and S. R. Break have petitioned for incorporation, and for an Act authorizing the construction, operation and maintenance of a railway from a point in or near the village of London West, to a point on the river Thames near Springbank; and whereas the said Henry A. Everett, Edward W. Moore, T. H. Smallman, Greene Pack and S. R. Break were and still are the directors of the company; and whereas it is expedient to grant to the said company the powers hereinafter conferred upon them and to enable the company to extend its said railway and works as hereinafter provided;

Preamble.

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Location of line.

1. The company may construct, maintain, complete and operate their railway upon, over and along any lands which may be acquired by them for that purpose in the village of London West, and in the townships of London and Westminster, but the company shall not have power to expropriate any property belonging to the corporation of the city of London except with the consent by by-law of the corporation of the city of London first had and obtained and subject to any terms and conditions contained in such by-law which the said corporation are hereby authorized to make.

Powers of company.

2. The company shall also have power and authority :

(1) To construct and maintain at Springbank aforesaid or at any other point upon the said river as may be necessary, a bridge or bridges over the said river, provided that no bridge shall be constructed or erected upon any portion of the property of the corporation of the city of London without the consent by by-laws of the said corporation and of the water commissioners for the city of London being first had and obtained ; provided also that the company shall not, by any bridge or otherwise, impede the free navigation and flow of the river Thames or impair or interfere with any of the rights or privileges of the said corporation or of the water commissioners for the city of London now or hereafter acquired.

(2) To acquire, own, erect and manage an hotel at or near Springbank ; provided always, that such hotel shall not, nor shall any of its owners, proprietors, lessees or tenants thereof, or any other person, firm or corporation be entitled to receive, or receive any license to sell spirituous or fermented liquors or any license under *The Liquor License Act* or any Act amending the same or substituted therefor.

Rev. Stat. c. 194.

Railway not to interfere with other services.

3. The said company shall construct, maintain and operate the extension of their system hereby authorized without causing any injury to or interference with any system of waterworks, telegraph, telephone, electric light, gas, fire alarm or other service now or hereafter having the use of or being operated in, upon or under any of the highways of the said townships and shall be liable for all damages arising out of the construction, maintenance or operation of their railway system, and shall from time to time adopt and use the best modern means to prevent any injury or interference as aforesaid, and should the company fail to adopt and use such means the said corporations of the said townships or either of them may adopt and use the same and charge the cost thereof to the said company, who shall pay the same to the said corporations or corporation on demand.

4. Sub-section 12 of section 9, and sections 18 and 87 of *The Electric Railway Act, 1895*, and all the sections relating to "plans and surveys," and "lands and their valuation," are incorporated with and shall form part of this Act, and shall apply to the company and portions of the railway hereby authorized to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, but except as to the said clauses *The Electric Railway Act, 1895*, and the several clauses thereof shall not be deemed to be incorporated with or form part of the Act of incorporation of the company or of this Act.

Incorporation
of certain
provisions of
Electric
Railway Act.

58 V. c. 38.

5. The company shall not in any case connect any of their wires with the water pipes or service pipes of the corporation of the city of London or of the water commissioners for the city of London or with any appliances in connection therewith without the consent in writing of the said corporations, and the company shall and will at their own expense remove such connections when required to do so by the said corporations or either of them, and shall and will pay to the said corporations all loss, damage and expense that the said corporations or either of them may have incurred or may be put to or incur by reason of the said connections having been made.

Wires not to
be connected
with water
pipes.

6. The company shall not construct or operate its railway upon the Pipe Line Road in the said township of Westminster without the consent by by-law of the corporation of the city of London being first had and obtained and subject to any terms and conditions contained in such by-law.

Operating on
Pipe Line
Road.

7. Nothing in this Act contained shall apply to that portion of the railway of the company which is situate within the limits of the city of London or the village of London West or affect any agreement made between the company and the said corporations or either of them.

Act not to
apply to part
of line in
London or
London West.

8. The said railway shall be commenced within two years and completed within three years from the passing of this Act.

Time for com-
mencement
and comple-
tion.

CHAPTER 108.

An Act respecting the Metropolitan Street Railway Company.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS the Metropolitan Street Railway Company has under its Act of incorporation and amendments thereto constructed and is now operating a railway in the city of Toronto and adjoining municipalities; and whereas the said company has by petition prayed that an Act may be passed giving the municipalities or portions thereof through or near to which such railway is or may be constructed, certain powers as to granting aid to such company and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

56 V. c. 94,
s. 12,
amended.

1. Section 12 of chapter 94 of the Acts passed in the 56th year of the reign of Her Majesty intituled *An Act respecting the Metropolitan Street Railway Company* is hereby amended by adding thereto the following sub-section:—

Sinking funds
for redemption
of debenture
to be issued
in aid of
company.

(2) Any by-law of a township, town, or incorporated village municipality whereby aid is granted to the Metropolitan Street Railway Company by way of bonus or gift under the provisions of sections 634 or 635 (a) of *The Consolidated Municipal Act 1892*, and this Act, may provide for assessing and levying upon all rateable property lying within the municipality or the portion of the municipality defined in the by-law an annual special rate sufficient to include a sinking fund for the repayment of the debentures to be issued under the terms of such by-law within thirty years with interest thereon payable yearly or half-yearly, which debentures the councils, mayors, reeves and other officers of such municipalities are hereby authorized to execute and issue in the case of any such by-laws being passed.

2. The company may run such cars or trains into the city, before the hour of ten o'clock in the forenoon, and such cars or trains out of the city, after the hour of five o'clock in the afternoon on the Lord's Day, as may be necessary for the transportation of milk exclusively; but no freight of any other kind, and no passengers shall be carried upon such cars or trains, nor shall it be lawful for the company to collect any fare or tolls for the transportation of any passengers or freight upon such cars or trains, except for the transportation of milk as aforesaid; and if any passengers or freight, other than milk, be carried or fare or toll be collected, except for milk, upon such cars or trains, the company and the conductor or person in charge of any such car or train shall be subject to the actions and penalties prescribed by sub-sections 3, 4 and 5 of section 87 of *The Electric Railway Act, 1895*, for any violation of such section, to be recovered and enforced as in the said Act provided. Provided that nothing in this section shall be construed to prevent the running of empty cars or trains either from the car sheds to any point on the line of railway for the purpose of receiving the milk for transportation as aforesaid, or back to the car sheds after the delivery of the same.

Transportation of milk on Lord's Day.

58 V. c. 38.

3. Nothing in this Act contained shall be taken or construed to limit or affect any rights, powers or privileges conferred upon the company by any general or special Act heretofore passed relating to the said company.

Present rights of company not affected.

CHAPTER 109.

An Act respecting The Oshawa Railway Company
and the Township of East Whitby.*[Assented to 16th April, 1895.]*

Preamble.

WHEREAS, The Oshawa Railway Company and the corporation of the township of East Whitby have, by their respective petitions, prayed that an Act may be passed ratifying and confirming a by-law of the township of East Whitby, numbered 542, passed on the 22nd day of August, 1894, and an agreement dated the 22nd day of August, 1894, entered into between the said company and municipality; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 542 of
East Whitby
and agreement
with company
confirmed.

1. By-law number 542 of the municipal corporation of the township of East Whitby, set forth in schedule A to this Act, and the agreement entered into between The Oshawa Railway Company and the corporation of the township of East Whitby, and dated the 22nd day of August, 1894, which is set forth in schedule B to this Act, are hereby ratified and confirmed, and declared to be valid and binding upon the said corporation and the ratepayers thereof and upon the said company, according to the terms thereof.

SCHEDULE A.

BY-LAW No. 542.

A by-law to authorize The Oshawa Railway Company to construct a railway on and along certain highways in the township of East Whitby.

The municipal council of the corporation of the township of East Whitby enacts as follows :

The Oshawa Railway Company is hereby authorized to make and construct a railway with necessary turnouts on and along that certain highway in the township of East Whitby, in the county of Ontario, which extends in a southerly and easterly or southeasterly direction from the southerly limit of Simcoe street, in the town of Oshawa, in said county, to the wharf and harbor of The Oshawa Harbor Company (Limited) at Port Oshawa, on lake Ontario, in said county, on and along the said highway from the extreme northerly to the extreme southerly limit of that portion of said highway so as above defined, the said highway being the main travelled road, extending southeastward from the said southerly limit of Simcoe street to the Oshawa harbor aforesaid; and also to make and construct branches from said railway on and along said highway eastward to the lands of The Grand Trunk Railway Company of Canada, near the Oshawa station; and also a branch from such main line of railway westward on and along the highway, running from said highway to the lands of The A. S. Whiting Manufacturing Company, near the works of the last mentioned company, at Cedar Dale, but on and under such conditions and terms as the council may hereafter agree upon with the said railway company, and subject to any such restrictions contained in *The Railway Act of Ontario* and any other Acts affecting said railway, as are legally imposed upon and applicable to said railway.

Passed this 22nd day of August, 1894.

[Corporate Seal.]

(Sgd.) GEO. E. MOWBRAY,
Reeve.

(Sgd.) WM. PURVIS,
Clerk.

SCHEDULE B.

This agreement made in duplicate the twenty-second day of August, A. D. 1894, between the corporation of the township of East Whitby, hereinafter called "the corporation," of the first part, and The Oshawa Railway Company, hereinafter called "the company," of the second part;

(a) Whereas it is in the interests of and to the advantage of the said township and of persons using the company's line of railway that the same should, so far as relates to that portion of it hereinafter mentioned, be laid upon the street or road hereinafter mentioned;

(b) And whereas the council of the corporation, at a meeting held on the 7th day of August, 1894, passed a resolution authorizing the company to lay down and construct a track for the railway from the southern portion of Simcoe street in the town of Oshawa along the road leading to Port Oshawa to a point six rods south of the ground of The Grand Trunk Railway Company at the station of The Grand Trunk Railway Company called Oshawa, in said township, and to make necessary turnouts for the purpose of reaching said station, and to work the said railway, using electricity as a motive power therefor, along said highway, and providing that on the signing of an agreement as to the use of said road satisfactory to this council or its solicitor, a by-law in accordance with section 636 of *The Consolidated Municipal Act of 1892*, will be passed;

(c) And whereas at a meeting of said council of said corporation, duly held on the twenty-second day of August, A. D. 1894, the said council passed a by-law authorizing the company to lay down and construct a track for their said railway on the parts of said road hereafter mentioned connecting with the southern termination of that part already authorized and extending to Port Oshawa and the Oshawa Harbor Company's docks, with all necessary turnouts, not to include double track, upon the same conditions as set out in the said resolution of the 7th day of August, A. D. 1894;

(d) And whereas these presents are the agreement referred to in said resolution and by-law: Now these presents witness that in consideration of the premises the corporation and the company do for themselves, their successors and assigns covenant with each other as follows:

1. In constructing and building the said railway it shall be lawful for the company to lay down, build and construct its railway track and all turnouts necessary to connect the same with the line of The Grand Trunk Railway and otherwise, and erect such poles as may be necessary for maintaining wires and appliances necessary for working the company's railway by electricity along the road known as the Nonquon road, being the road leading through the broken front concession of said township from the base line at the southern extremity of Simcoe street in the town of Oshawa, to the dock of The

Oshawa

Oshawa Harbor Company, Limited, at Port Oshawa in said township; also to lay down, construct and maintain sidings as aforesaid on such road and to cross any and all roads of said township which it may become necessary to cross in the construction of the company's railway.

But provided that as to so much of the said road as lies to the east of Cornelius Robinson's brick house at Port Oshawa, the same is not to be occupied by the company until the company shall have provided a suitable piece of ground to the extent of half an acre within twenty-five rods of the said Robinson's house, or at such other greater distance therefrom as may be approved of by the council, the said parcel of ground to be so provided and kept for the purpose and to the end that people of the township of East Whitby, and also such other as the company may permit, may, from time to time, as they see fit, temporarily leave their teams and vehicles there without charge. The said lot to be so fenced that horses may be hitched to the posts thereof.

2. The plans submitted for approval to the railway committee shall provide for laying the company's track and necessary turnouts on said road as follows:

On that portion of said highway lying between the southerly limit of Simcoe street aforesaid and a point on said highway six rods southward from the intersection of said highway with the southerly limit of The Grand Trunk Railway Company of Canada, the railway to be constructed hereunder shall be so constructed along the centre portion of the roadbed or travelled portion of said highway, except at the curves for entering upon The Grand Trunk Railway Company's lands. And from this firstly described portion or section of said highway southward to the line of the southerly limit of the lot now occupied by Mrs. Cleverdon, situate on a street running easterly from the Nonquon road, the company may, at its option, widen at its own expense the roadbed or travelled portion of said highway to such an extent as to make such roadbed thirty feet wide and construct their railway along the centre portion of such roadbed as so widened and if constructed on such last mentioned centre portion the company shall be bound to keep the ties thereon at all times covered with gravel and maintain the road above the same, but in lieu of so widening such roadbed the company may wholly construct its railway along the portion of said highway lying immediately to the eastward of a line parallel at all points to the westerly limit of said roadbed, but distant twenty-two feet easterly from said westerly limit of said roadbed. The ties in this section in such case to be buried. And on the remaining portion of said highway from the line of said southerly limit of said Mrs. Cleverdon's said lot to the docks aforesaid of said The Oshawa Harbor Company, Limited, at Port Oshawa, the said railway shall be constructed along said highway to the eastward and northward of the present roadbed, if there is sufficient room there-

for

for within the limits of said highway, and if not sufficient room there for that purpose, then on the opposite side of said highway as lawfully established. And provided, also, that along said highway eastward from the turn at or near the brick house owned or occupied by Cornelius Robinson at Port Oshawa aforesaid to the docks aforesaid the company shall have the right to construct said railway along the centre of said highway.

The public shall have the right to use the portion of the highway between the rails at all times when not required for use by the company's trains, motors or cars, but the company is at all times to have the preferential right of way so far as the council has or shall acquire power to grant the same.

Where the company's railway line occupies the centre or part of the central portion of the highway, any ice or snow removed from the track may be distributed over the rest of the highway, but not piled in heaps so as to unnecessarily obstruct traffic.

The granting by the corporation to the company of any of the rights by this agreement or said by-law conceded, shall not be deemed or construed as prejudicially affecting any right or power of taxation which may hereafter be lawfully vested in said corporation by valid legislation.

In constructing the railway, care must be exercised by the company not to unlawfully or negligently obstruct the highway, and the company agrees to indemnify the corporation against any damage from any action which may be brought in respect thereof, or of any other damage arising from the construction of the railway.

The company agrees to construct and maintain, except as hereinafter mentioned, an iron bridge twenty feet wide in lieu of and on the site of the present bridge on said highway across the creek, such bridge to be for the joint use of the company for the purposes of its railway and of the public for a highway, but subject to the preferential right of way which the company is declared to have as against all persons for the passage of its motors, cars and trains, the corporation agreeing to plank such bridge so as to fit same for use by the public as a highway and to at all times maintain such planking, and it being agreed also that the company shall have the right not only to use the centre portion of the highway at such bridge, but also along the regular approaches, at the present grade or at such higher grade as the company may see fit to raise the same to, for one hundred and fifty feet on each side of the bridge.

It is further understood and agreed that with the consent of the said council the location of any portion of said railway may, notwithstanding anything hereinbefore contained, be altered by the company to any other position on said highway than that hereinbefore agreed upon.

In erecting the trolley poles hereinbefore mentioned or referred to, the same shall be so placed as not to obstruct the

travel

travel over the roadbed or travelled portion aforesaid of said highway, and only such cutting down or trimming of trees shall be done by the company as shall be reasonably required for the proper construction and maintenance of said railway on and along said highway.

In case a branch road is hereafter built from the main line westward along the highway to the Cedar Dale Works the same shall be so constructed with buried ties as not to interfere unnecessarily with the traffic over such last mentioned highway.

3. For the purpose of this agreement the said railway on said road shall be completed by the 1st day of January, 1896.

4. The corporation shall afford every reasonable assistance in procuring the approval of the company's plans by the Railway committee and the execution of the subsidy agreement by the Minister of Railways.

5. The company shall use electricity only in operating its railways along said highway unless the corporation consents to the use of other motive power.

6. Both parties will use all lawful means to obtain an Act of the Legislature of Ontario confirming and making valid this agreement in all respects, and relieving the corporation from all liability, if any, in respect of the construction or working of said railway, and the company shall pay the expenses of applying for or procuring such legislation.

7. The company will pay the legal expenses subject to taxation, but not to exceed seventy-five dollars as a maximum amount, of the township, of and incidental to this agreement and the passage of a by-law under *The Consolidated Municipal Act 1892*, as aforesaid and the legislation aforesaid.

In witness whereof the parties hereto have hereunto affixed their corporate seals, and the reeve and clerk of the said township have hereunto set their hands, and the president and secretary of the said company have set their hands hereto.

(Sgd.) GEO. E. MOWBRAY,
Reeve.

(Sgd.) JNO. E. FAREWELL,
Tp. Solicitor.

[Corporate Seal]

(Sgd.) WM. PURVES,
Clerk.

Witness: L. K. MURTON.

For the Oshawa Railway Company.

(Sgd.) F. S. RATHBUN,
President, Secretary & Treas.

[Corporate Seal]

(Sgd.) R. C. CARTER,
General Manager.

As to execution by The
Oshawa Railway Company,
(Sgd.) CHAS. H. DAY.

CHAPTER 110.

An Act respecting the Oshawa Railway Company,
and the Town of Oshawa, and for other purposes.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS the Oshawa Railway Company and the Corporation of the Town of Oshawa have by petition prayed that an Act may be passed ratifying and confirming certain agreements entered into between the corporation of the town of Oshawa and the Oshawa Railway Company, dated respectively the 17th day of May, 1894, and the 13th day of November, 1894, and for other purposes; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreements
between com-
pany and town
confirmed.

1. The agreements between the town of Oshawa and the Oshawa Railway Company dated respectively the 17th day of May, 1894, and the 13th day of November, 1894, which are set forth in schedules A and B to this Act, are hereby ratified and confirmed, and declared to be valid and binding upon the said corporation and the ratepayers thereof, and upon the said company, according to the terms thereof.

Issue of
debentures
to pay bonus
granted
by town.

2. In order to provide for the payments by way of bonus to the said railway company which are set forth in the seventh paragraph of the said agreement of the 17th day of May, 1894, and in lieu of the debentures referred to in the Act passed in the 56th year of the reign of Her Majesty, chaptered 73, it shall be lawful for the corporation of the town of Oshawa to cause debentures to be made and issued for a total sum not exceeding \$5,000 of principal money, and any such amount as may be requisite to make the payments provided for in the seventh paragraph of the said agreement of the 17th day of May, 1894. The principal secured by such debentures shall be repayable by annual instalments during the period of twenty years from the date or dates of the issue thereof, with interest

at

at a rate not exceeding five per cent. per annum, payable yearly.

3. The council of the corporation of the town of Oshawa may by a by-law fix the amount of such debentures to be from time to time issued, and the sums or instalments in which the same shall be payable, and the same when issued shall be used and applied by the corporation in accordance with the terms of such agreements. Payment of debentures.

4. The corporation of the town of Oshawa shall raise and levy in each year during the currency of the said debentures issued under the authority of this Act, by annual special rate or rates on all the rateable property in such corporation, the sum sufficient to discharge the several instalments of principal and interest payable in respect of such debentures as may be issued hereunder. Special rates for payment of debentures.

5. Such debentures when issued shall be valid and binding upon the corporation of the town of Oshawa, and no irregularity in form or substance either of the debentures or of the by-laws authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures or interest or any or either of them or any part thereof. Debentures to be binding, notwithstanding certain irregularities.

SCHEDULE A.

This agreement, made this seventeenth day of May, 1894, between the corporation of the town of Oshawa, hereinafter called "the corporation," of the first part, and The Oshawa Railway Company, hereinafter called "the company," of the second part.

Whereas, by by-law 363 of the corporation, which was confirmed and declared legal by an Act of the Legislature passed in the 56th year of the reign of Her Majesty, chaptered 73, it was provided that in constructing and building the company's railway it should be lawful to lay down, build and construct the same along such streets in the town of Oshawa as might thereafter be agreed on between the council of the corporation and the company;

And whereas, by an agreement made between the parties hereto, dated May 5th, 1893, which was ratified by the said Act, it was provided that in constructing and building its railway it should be lawful for the company to lay down, build and construct its railway along certain streets defined in such agreement and such other streets as might afterwards be agreed on between the parties from time to time, and that any deviation of the company's line from that approximately shown on the map or plan referred to in the agreement now in recital should not affect any of the provisions of such by-law and agreement;

And whereas, it is in the interests of and more to the advantage of the inhabitants of the town of Oshawa that the company's railway should be laid upon the streets defined by this agreement in lieu of upon the streets defined by such agreement of May 5th, 1893, and the corporation is desirous that the work of constructing the company's railway shall be entered upon at an early date, and that the sections of its line within the limits of the town, as herein described, shall be completed by the end of the year 1894, and the company is of opinion that such desires can be complied with if this agreement be entered into;

And whereas, by the said by-law it was provided that the company's railway should, for the purposes of the by-law, be divided into three sections, and, in consequence of the change of location of the company's railway, it has been agreed that the limits and extent of such three sections shall be redefined.

Witnesseth, that in consideration of the premises the corporation and the company do covenant each with the other as follows:—

1. In constructing and building the said railway as at present projected, or any extension thereof, it shall be lawful for the company to lay down, build and construct its railway track and all necessary turnouts, and erect such neat, straight poles as may be necessary for maintaining wires and appli-

ances

ances necessary for working^a the company's railway by electricity along Simcoe street from its termination, at the southerly boundary of the town of Oshawa, to Duke and Richmond streets; and to build and construct branches or extensions of its line of railway, and to erect such poles for maintaining wires and appliances as may be necessary for working such branches and extensions on Simcoe street, between Duke and Richmond streets and the northerly limit of the town, and on the streets hereinafter referred to and on such other streets as may be hereafter agreed on between the parties from time to time; also to lay down, construct and maintain sidings on all streets so used; also to cross any and all streets which it may become necessary to cross in the construction of the company's railway.

2. To comply with the intention of the above-recited by-law and with the provisions with regard to construction contained in the 5th and 6th paragraphs thereof, the said proposed railway shall be divided into three sections, namely:—

Section one: Between the Oshawa station of The Grand Trunk Railway of Canada and connected with the railway of the said The Grand Trunk Railway Company of Canada to a point on Simcoe street at or near the town hall of Oshawa.

Section two: Extensions or branches of the company's line of railway to be operated for the transportation of freight along Duke and Richmond streets to the McLaughlin carriage works and to the Williams piano factory; and along Duke and Mechanic streets, or along King and Mechanic streets, to a point at or near Warren's tannery, the Oshawa flouring mill, Coulthard, Scott & Company's agricultural works and Hare's foundry, and along Metcalf street to The Pedlar Roofing Company's works; and along Albany and Prospect streets, or by any right of way acquired by the company, and along Prospect street to the works of The Oshawa Malleable Iron Company.

Section three: From a point on either of said sections one and two to a point at or near Port Oshawa.

3. The plans submitted for approval to the railway committee shall provide for laying the company's track and all necessary turnouts where they run on Simcoe street along the centre of the street except at curves.

4. For the purposes of the said by-law and in lieu of the provisions contained in the sixth paragraph of the said agreement, the work on the first section shall be commenced within fifteen days from the execution by the Minister of Railways of an agreement relative to the earning and payment of the Dominion subsidy voted to the company, and shall be completed within ninety days thereafter, and in any event within five months from the date of this agreement.

The second section shall be completed by the 31st day of December, 1894, and the third section by the 1st day of June, 1896

The

The council of the corporation may, however, extend the time for the completion of such respective sections beyond such periods.

5. The corporation shall afford every reasonable assistance in procuring the approval of the company's plans by the Railway Committee and the execution of such agreement by the Minister of Railways.

6. The construction of the company's railway in the sections and within the periods referred to in the two preceding paragraphs shall be deemed and taken to be a compliance with the terms of the said by-law and agreement, and shall, subject to the provisions of this agreement hereinafter contained, entitle the company to receive from the corporation the several series of debentures and interest coupons or the respective sums provided in the 8th section of such by-law.

7. In consideration of the right of way for the company's track and all necessary turnouts being provided by the corporation as hereinbefore set forth, the company agree to the reduction of the payments to be made on the completion of such sections to the sum of \$1,500 on the first section, \$1,500 on the second section and \$2,000 on the third section; and \$1,500 shall be paid on the completion of the first section, \$1,500 on the completion of the second section and \$2,000 on the completion of the third.

And after the issue of the debentures set forth in such by-law as herein provided, such portion of each series of the debentures in excess of what is necessary to produce the said amounts respectively shall be cancelled.

8. The company undertake that the first section of its railway shall, from time to time, and at all times, be worked and run for the carriage of passengers and freight, and that the second section shall from time to time and at all times be worked and run for the carriage of freight between the said Oshawa station of the Grand Trunk Railway and the respective termini of the said sections, and that connection shall be made and trains run by the company between the town hall on Simcoe street and each passenger train of the Grand Trunk Railway Company of Canada, which, upon its time-tables from time to time is timed or scheduled to stop at Oshawa station, Sundays excepted, and that at least one freight train shall be run each way each day between the town hall on Simcoe street and the Oshawa station, Sundays excepted.

9. If the extension or branch of the company's line of railway be built on King street between Simcoe and Church streets, then that portion of the company's line of railway shall be operated for the transportation of passengers as well as freight.

10. The company undertake that its railway shall from time to time, and at all times, from the first of May till the first of November in each and every year be worked and run for the carriage of freight between Port Oshawa and the town hall on

Simcoe

Simcoe street, and for excursion trains for passengers during the summer months as may be arranged from time to time in such manner as may be advantageous for the company and the corporation and the inhabitants of the town, looking to the permanency of the company and its ultimate success. Provided, however, that the railway shall not be run or operated on Sundays within the municipality of Oshawa, except as the council of the corporation may consent thereto hereafter.

11. The company shall not remove nor permit to be removed the rails from its proposed railway, or any part thereof, without the consent of the corporation.

12. The company may, in addition to building such sections, extend its railway along William street to a point at or near Woon's foundry, and along Bruce street or along King street and Charles street to a point at or near the stove foundry.

13. The execution of this agreement shall be deemed and taken to be a compliance with the 9th and 10th sections of the said by-law.

14. The company shall use electricity only in operating its railway upon those portions of the streets which are above mentioned unless the corporation consent to the use of other motive power.

15. This agreement shall be construed as supplementary to the provisions of the above recited by-law and agreement, and such agreement except in so far as its terms are expressly varied by this instrument is hereby ratified and confirmed and is declared to be subsisting between the parties.

16. Both parties hereto will use all lawful means to obtain an Act of the Legislature of Ontario confirming and making valid this agreement in all respects, and the company shall pay the expense of procuring such legislation.

17. The council of the corporation may consent to the variation of the terms of this agreement without affecting its validity.

In testimony whereof this agreement has been duly executed by the corporation and the company

(Sgd. W. F. COWAN,
Mayor.

May 17th, 1894.

[Seal]. (Sgd.) C. W. SMITH,
Town Clerk.

Witness : as to execution by the } For the Oshawa Railway
Oshawa Railway Company. } Company.

(Signed) CHAS. H. DAY. R. C. CARTER,
General Manager.

[Seal]. F. S. RATHBUN,
Secretary.

SCHEDULE B.

Memorandum of agreement between the Oshawa Railway Company, hereinafter referred to as "The Company," of the first part, and the corporation of the town of Oshawa, hereinafter referred to as "The Corporation," of the second part.

Whereas on the 17th day of May, 1894, an agreement was entered into between the parties hereto respecting the construction of the company's line of railway;

And whereas owing to unforeseen and unavoidable causes it has not been possible to complete the first section of the company's railway within the time limited by such agreement;

And whereas in pursuance of the terms of such agreement of the 17th day of May, 1894, it has been agreed that the time for the construction of the sections of such railway shall be varied from those referred to in the said agreement subject to the terms of this agreement.

It is therefore agreed as follows:—

1. The company shall within ten days from the date of this agreement deposit with the mayor of the corporation securities to his satisfaction to the extent of \$2,000 or the sum of \$2,000.

2. The time for the completion of the respective sections of the company's railway which are referred to in the fourth paragraph of the agreement of the 17th day of May, 1894, above referred to shall on such deposit being made be extended as follows:—

The first section shall be completed and in operation by the 15th day of June, 1895.

The second section shall be completed and in operation by the 15th day of July, 1895.

The third section shall be completed and in operation by the 30th day of September, 1895.

3. If the company complete the first section at any time before the 15th day of June, 1895, then the said securities or sum of \$2,000, as the case may be, with any accumulated interest, shall be returned or repaid to the company, but if such section be not completed by the 15th day of June, 1895, then the said securities or sum of \$2,000 and accumulated interest shall be forfeited to the corporation and shall be transferred or paid over to the corporation for its own use absolutely.

4. This agreement shall be construed as supplementary to the agreement of the 17th of May, 1894, above referred to, which, except as varied by this agreement, is confirmed and declared to be subsisting between the parties.

5. Both parties will use all lawful means to obtain an Act of the Legislature of Ontario confirming and making valid this agreement and the company shall pay the expenses of procuring such legislation.

In witness whereof this instrument has been executed by the respective parties hereto the thirteenth day of November, A.D. 1894.

Executed in the presence of)
as to the corporation of) (Sgd.) W. F. COWAN, [Seal].
Oshawa.) Mayor of Oshawa.

(Sgd.) C. W. SMITH,
Town Clerk. C. A. JONES.

As to execution by the Oshawa) For the Oshawa Railway
Railway Company.) Company.

(Sgd.) CHAS. H. DAY. (Sgd.) R. C. CARTER, [Seal.]
General Manager.

(Sgd.) F. S. RATHBUN,
Sec.-Treas.

CHAPTER 111.

An Act to incorporate the St. Thomas Radial Electric Railway Company.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS, K. W. McKay, James A. Bell, W. R. Jackson, John Campbell, A. E. Domville, James Fulton and J. Stacey, all of the city of St. Thomas, in the county of Elgin, and Charles B. Hunt and Edward R. Cameron, both of the city of London, in the county of Middlesex, have prayed for an Act of incorporation under the name of "The St. Thomas Radial Electric Railway Company" for the purpose of constructing and operating electric railways from the city of St. Thomas to the villages of Union, Sparta, Port Bruce and Port Stanley, in the county of Elgin; from the city of St. Thomas to the villages of Fingal, Wallacetown, Dutton, West Lorne and Rodney, in the said county of Elgin; from the city of St. Thomas to the town of Aylmer and the village of Port Burwell, in the said county of Elgin; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said K. W. McKay, James A. Bell, W. R. Jackson, John Campbell, A. E. Domville, James Fulton, J. Stacey, Charles B. Hunt and Edward R. Cameron and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The St. Thomas Radial Electric Railway Company."

Location of lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair iron or steel railways to be operated by electricity, with double or single iron or steel tracks, from the city of St. Thomas to the villages of Union, Sparta, Port Bruce and Port Stanley, in the county of Elgin; from the city of St. Thomas to the villages of Fingal, Wallacetown, Dutton, West Lorne and Rodney, in the said county of Elgin; from the city of St. Thomas to the town of Aylmer and the village of Port Burwell

Burwell, in the said county of Elgin; and the said railways or any of them or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

58 V. c. 38.

58 V. c. 38.

55 V. c. 42.

3. The said K. W. McKay, James A. Bell, W. R. Jackson, John Campbell, A. E. Domville, James Fulton, J. Stacey, Charles B. Hunt and Edward R. Cameron, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Provisional directors.

4. All meetings of the provisional board of directors shall be held at the city of St. Thomas, in the county of Elgin or at such other place as may best suit the interests of the said company.

Meetings of provisional directors.

5. The capital stock of the company hereby incorporated shall be \$500,000, to be divided into 5,000 shares of \$100 each.

Capital stock

6. The said capital stock of the company of \$500,000 shall be applied and appropriated towards the construction of the said railway in the following manner: \$100,000 to the section or branch from St. Thomas by way of Union to Port Stanley; \$200,000 to the section or branch from St. Thomas to Rodney by way of Fingal, Wallacetown, Dutton and West Lorne; and \$200,000 to the balance of the railway. When and so soon as 25 per cent. of the authorized capital appropriated to any such section or branch has been subscribed and 10 per cent. of the same has been paid in cash into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company for the purpose of organization at the place where the head office is situate at such time as they think proper, giving the notice prescribed by *The Electric Railway Act 1895*; at which meeting the shareholders who have paid at least 10 per cent.

Application of capital stock.

on the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications in the said Act mentioned, elect seven persons to be directors of the said company.

Headoffice. 7. The head office of the said company shall be at the said city of St. Thomas.

Issuing bonds and debentures. 8. The directors of the said company shall have power to issue bonds and debentures of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said railway; and no bonds or debentures shall be issued until 25 per cent. of the authorized capital appropriated to any one of the branches or sections has been actually expended on such branch or section; and except as herein provided the borrowing powers of the
58 V. c. 38. company shall be governed by the said *Electric Railway Act 1895*.

Construction of line in sections. 9. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act, 1895*, and to deposit the same as required by the clauses of the said Electric Railway Act, and the amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid, of the map or plan and statement of any and each of such sections or portions of said railways, all and every of the clauses of the said Electric Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Electric Railway Act and the amendments thereof with respect to "plans and surveys."

Application of provisions of Electric Railway Act. 10. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them,
except

except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Electric Railway Act, and of every Act in amendment thereof, so incorporated with this Act.

11. The railways shall be commenced within two years, and completed to the extent of a through connection with either Union, Sparta, Port Bruce, Port Stanley, Fingal, Wal-lacetown, Dutton, West Lorne, Rodney, Aylmer and Port Bur-well aforesaid within three years, and finally completed within five years after the passing of this Act.

Commence-
ment and com-
pletion of
lines.

CHAPTER 112.

An Act to revive the Act incorporating the Sarnia and Lambton Southern Railway Company, and the Act reviving and amending the same.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS it has been found impracticable to build the line of railway authorized to be constructed under and by virtue of an Act passed in the 47th year of Her Majesty's reign, chaptered 73, and intituled *An Act to incorporate the Sarnia and Lambton Southern Railway Company*, within the time limited for that purpose by the said Act, or by an Act passed in the 52nd year of Her Majesty's reign, chaptered 81, and intituled *An Act to revive and amend the Act incorporating the Sarnia and Lambton Southern Railway Company*; and whereas Charles Mackenzie and other shareholders and provisional directors of the said Sarnia and Lambton Southern Railway Company have, by their petition, represented that since the passing of the said Acts no work has been done towards the commencement and completion of the said railway, and have prayed that the said Act incorporating the Sarnia and Lambton Southern Railway Company, and the Act reviving and amending the Act incorporating the Sarnia and Lambton Southern Railway Company may be revived and amended, and also that the time fixed for the commencement and completion of the said railway may be extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Act of incorporation revived.

1. The non-compliance by the said company with the conditions of the said Act passed in the 47th year of Her Majesty's reign, chaptered 73, and intituled *An Act to incorporate the Sarnia and Lambton Southern Railway Company*, and the said Act passed in the 52nd year of Her Majesty's reign, chaptered 81, and intituled *An Act to revive and amend the*

Act

Act incorporating the Sarnia and Lambton Southern Railway Company, shall not be considered as having heretofore caused any forfeiture of the charter of said company, and the said Act and the Act reviving and amending the same are hereby revived and declared to be in full force and effect.

2. The time limited for the commencement of the said railway is extended for three years from the passing of this Act, and the time for the completion thereof is extended for five years from the passing of this Act.

Time for commencement and completion.

CHAPTER 113.

An Act to confirm certain Municipal By-laws respecting the Tilsonburg, Lake Erie and Pacific Railway Company and the Port Burwell Harbor.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS the Tilsonburg, Lake Erie and Pacific Railway Company and the corporations of the townships of Bayham and Malahide, the village of Vienna and the town of Tilsonburg have by their joint petition shown: That the construction of the said Tilsonburg, Lake Erie and Pacific Railway from Port Burwell, on the shore of Lake Erie, in the township of Bayham, to the town of Tilsonburg, would be of very great benefit to the said several municipalities; that the said township of Bayham for the purpose of encouraging and assisting in the construction of the said railway did, on the tenth day of September, A.D. 1890, with the assent of the ratepayers of the said municipality, as required by law, pass a by-law, numbered 461, to grant aid to the said railway company by way of bonus to the amount of thirty-five thousand dollars, and did, by the said by-law, authorize the issue of debentures in the manner therein provided for the purpose of raising the said sum of thirty-five thousand dollars; that the said township of Malahide for the purpose likewise of encouraging and assisting in the construction of the said road did, on the seventh day of January, A.D. 1891, with the assent of the ratepayers of the said municipality, as required by law, pass a by-law, numbered 554, to grant aid by way of bonus to the said road to the extent of four thousand dollars, and did, by the said by-law, authorize the issue of debentures in the manner therein provided, for the purpose of raising the said sum of four thousand dollars; that the said village of Vienna, for like reasons, did also, on the twenty-seventh day of October, A.D. 1890, with the assent of the ratepayers of the said municipality, as required by law, pass a by-law, numbered 238, to grant aid by way of bonus to the said company in the sum of three thousand dollars, and, by the said by-law, provided for the issue of debentures for such purpose to the amount of the said sum of three thousand dollars; that the said town of Tilsonburg did also, for the same reasons, on the fourteenth day of October, A.D. 1890, with the assent of the ratepayers of the said municipality, as required by law, pass a by-law, numbered 229, to aid the said company by way of bonus in
the

the sum of ten thousand dollars, and did, by the said by-law, provide for the issue of debentures for such purpose, to the amount of the said sum of ten thousand dollars; that the said township of Houghton has, for the same reasons, on the twenty-eighth day of July, A.D. 1894, with the assent of the rate-payers of said municipality, as required by law, passed a by-law, numbered 276, to aid the said company by way of bonus, in the sum of three thousand dollars, and did, by the said by-law, provide for the issue of debentures for such purpose to that amount; that the said township of Bayham did, by by-law numbered 481, passed on the sixth day of March, A.D. 1893, to further encourage and assist the construction of the said road, authorize the transfer of the harbor at the said port of Port Burwell to the said company upon the conditions therein set forth; that by the said respective by-laws of the township of Bayham, the village of Vienna and the town of Tilsonburg, it was provided that the said by-laws should each take effect on the thirty-first day of December, A.D. 1890, and by the said by-law of the township of Malahide, it was provided that the said by-law should take effect on the thirty-first day of January, A.D. 1891; that it was also provided in the said by-laws that the road should be constructed from the port of Port Burwell to the town of Tilsonburg before the said company would be entitled to receive the aid granted by the said by-laws; that it was contemplated at the time of the passing of the said by-laws, that the said company would be able to complete the construction of the said road between the points named, on or before the thirty-first day of December, A.D. 1892, but owing to the difficulties to be encountered in the construction of the said road the same has not yet been completed, and the said municipalities have, by resolution in accordance with the provisions to that effect, contained in the said by-laws, extended the time for the construction and the completion of the said road until the thirty-first day of December, A.D. 1895; that in consequence of the non-construction of the said road in the years 1891, 1892, 1893 and 1894, the said municipalities of Bayham, Malahide, Vienna and Tilsonburg, did not cause the debentures provided for under their said respective by-laws to be issued and did not in each or any of the said years cause to be levied the special annual rates to provide for the payments of the said debentures; that for the purpose of carrying out the intention of the said different bonus by-laws passed by the said municipalities of Bayham, Malahide, Vienna and Tilsonburg, the said municipalities have passed by-laws, as hereinafter specified, so amending the said original bonus by-laws as to provide for the issue of the said debentures during the current year of 1895, and for the distribution of the payment of same over twenty years from the first day of July, A.D. 1895; that a great hardship would result to the said municipalities were they required to issue the said debentures in the manner provided for in the said original by-laws as the special annual rates

rates for 1891, 1892, 1893, 1894 and 1895, would all have to be collected in this present year, 1895; that the said municipality of Tilsonburg finding that the provisions of the said original bonus by-law passed by them would render it necessary for the purpose of carrying out the terms of the said by-law that the said company should utilize a portion of the right of way of the Grand Trunk Railway, and that the result of this was likely to seriously interfere with the construction of the said road, did, by by-law numbered 334, of the said municipality, so amend their said original bonus by-law as to provide that if the said Tilsonburg, Lake Erie and Pacific Railway should not be operated by the Grand Trunk that trains on the said railway might depart from and arrive at a station located in the said town at such point in the said town as the council of the town might in future determine upon; that the said amending by-laws of the said several municipalities were passed by the respective councils of the said municipalities without incurring the expense of submitting the same to the ratepayers of the said municipalities; that for the purpose of carrying out the intention of the said original bonus by-laws of the said several municipalities and enabling the said company to proceed now with the construction of the said railway it is necessary that any uncertainties that may exist as to the validity of the several by-laws hereinbefore referred to should be removed and that the said by-laws, as so amended, should be validated and that it should be declared that all debentures that may be issued under the same in accordance with the terms of the said amending by-laws should be declared legal and valid and binding upon the said several municipalities; and whereas the said petitioners have by their petition prayed that an Act may be passed to declare legal and valid the said by-laws of the townships of Bayham and Malahide, the village of Vienna and the town of Tilsonburg hereinbefore referred to as the same may be amended by the by-laws hereinbefore referred to and declare valid all debentures that may be issued under the said by-laws in accordance with said amending by-laws and to confirm the said by-law of the township of Houghton and to declare valid the debentures to be issued thereunder and to confirm the said by-law of the township of Bayham granting to the said company the Port Burwell harbor;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos. 461 and 498, township of Bayham, confirmed.

•1. By-law No. 461, of the township of Bayham, passed on the 10th day of September, A.D. 1890, and set out in the first part of schedule A to this Act as amended by by-law No. 498 of the township of Bayham, passed on the 4th day of February, A.D. 1895, and set out in the second part of schedule A to this Act, is hereby confirmed and declared to be legal and binding

binding on the said township of Bayham and the ratepayers thereof, notwithstanding any irregularity in the passing or form of said amending by-law No. 498, or said original by-law No. 461, or anything contained in any Act to the contrary.

2. The debentures to be issued under the said by-law No. 461, of the township of Bayham, as so amended by said by-law No. 498, shall be payable at the times and in the manner set out in said amending by-law No. 498. Payment of debentures issued by township of Bayham.

3. By-law No. 554 of the township of Malahide, passed on the 7th day of January, A.D. 1891, and set out in the first part of schedule B to this Act, as amended by by-law 627 of the township of Malahide, passed on the 3rd day of February, A.D. 1895, and set out in the second part of schedule B to this Act, is hereby confirmed and declared to be legal and binding on the said township of Malahide and the ratepayers thereof, notwithstanding any irregularity in the passing or form of said amending by-law No. 627, or of said original by-law No. 554, or anything contained in any Act to the contrary. By-laws Nos. 554 and 627, of township of Malahide, confirmed.

4. The debentures to be issued under the said by-law No. 554, of the township of Malahide, as so amended by said by-law No. 627, shall be payable at the times and in the manner set out in the said amending by-law No. 627. Payment of debentures issued by township of Malahide.

5 By-law No. 238, of the village of Vienna, passed on the 27th day of October, A.D. 1890, and set out in the first part of schedule C to this Act, as amended by by-law No. 273 of the village of Vienna, passed on the 21st day of January, A.D. 1895, and set out in the second part of schedule C to this Act, is hereby confirmed and declared to be legal and binding on the said village of Vienna and the ratepayers thereof, notwithstanding any irregularity in the passing or form of the said amending by-law No. 273, or of said original by-law No. 238, or anything contained in any Act to the contrary. By-laws 238 and 273 of village of Vienna, confirmed.

6. The debentures to be issued under the said by-law No. 238, of the village of Vienna, as so amended by the said by-law No. 273, shall be payable at the times and in the manner set out in the said amending by-law No. 273. Payment of debentures of village of Vienna.

7. By-law No. 229, of the town of Tilsonburg, passed on the 14th day of October, A.D. 1890, and set out in the first part of schedule D to this Act, as amended by by-laws Nos. 334 and 355, of the town of Tilsonburg, passed on the 8th day of January, A.D. 1895, and the 12th day of February, A.D. 1895, respectively, and set out in the second and third parts, respectively, of schedule D to this Act, is hereby confirmed and declared to be legal and binding on the town of Tilsonburg and the ratepayers thereof, notwithstanding any irregularity By-laws 229, 334 and 355 of town of Tilsonburg, confirmed.

larity in the passing or form of the said amending by-laws Nos. 334 and 355, or the said original by-law No. 229, or anything contained in any Act to the contrary.

Payment of debentures issued by town of Tilsonburg.

8. The debentures to be issued under the said by-law No. 229, of the town of Tilsonburg, as so amended by the said by-law No. 355, shall be payable at the times and in the manner set out in the said amending by-law No. 355.

By-law No. 276, of the township of Houghton, confirmed.

9. By-law No. 276, of the township of Houghton, passed on the 28th day of July, A.D. 1894, and set out in schedule E to this Act, is hereby confirmed and declared legal and binding on the said township of Houghton and the ratepayers thereof.

By-law 481, of township of Bayham, confirmed.

10. By-law No. 481, of the said township of Bayham, passed on the 6th day of March, A.D. 1893, and set out in schedule F to this Act, is hereby legalized and confirmed and declared to be binding upon the said corporation of the township of Bayham and the ratepayers thereof and the municipal council of the said township of Bayham are hereby authorized and empowered to carry out the provisions of the said by-law on their part upon the due performance of the acts thereby required to be done by the said company; provided, however, that nothing herein contained shall be so construed as to imply any restriction or the right to impose any restriction upon freedom of navigation or the use of the said harbor by vessels and steamers in the same way and to the same extent as if this section had not been passed.

Proviso.

SCHEDULE A.

(Section 1.)

PART 1.

By-law No. 461, of the municipal corporation of the township of Bayham, to aid the Tilsonburg, Lake Erie & Pacific Railway Company by granting thereto the sum of \$35,000 by way of bonus, to issue debentures therefor, and provide for payment of such debentures by an annual special rate to be levied upon the said township.

Whereas by an Act of the Parliament of Canada, passed in the 53rd year of Her Majesty's reign, and intituled *An Act to Incorporate the Tilsonburg, Lake Erie & Pacific Railway Company*, power is granted to construct and operate a line of railway between a point on the line of railway of the Canada Air Line Railway Company, at or near the Tilsonburg station of said Canada Air Line Railway Company, and the village of Port Burwell ;

And whereas the said company is authorized to receive from any municipal body who have power to make such grant, aid towards the construction, equipment or maintenance of said railway, by way of bonus, gift or loan, in money or debentures ;

And whereas by *The Municipal Act*, township municipalities are empowered to pass by-laws for granting bonuses to any railway company in aid of such railway, and for issuing debentures for raising money to meet such bonuses ;

And whereas the corporation of the township of Bayham has determined to aid the said company in the construction of said railway by granting thereto a bonus of thirty-five thousand dollars ;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of \$35,000, as hereinafter mentioned, payable at twenty years at farthest from the day when this by-law shall take effect ;

And whereas it will require the sum of two thousand eight hundred and nine dollars to be raised annually by special rate for the payment of the said debt and interest ;

And whereas the amount of the whole rateable property in the said township of Bayham, according to the last revised assessment roll of the said township, is the sum of \$1,116,130 ;

And whereas there is no existing debenture debt of the said municipality ;

Be it therefore enacted by the municipal corporation of the township of Bayham :

1. That it shall be lawful for the said township of Bayham to aid the Tilsonburg, Lake Erie & Pacific Railway Company
by

by giving thereto by way of bonus debentures to the extent of thirty-five thousand dollars.

2. It shall be lawful for the reeve of the township of Bayham and he is hereby required to issue debentures of the said corporation to the extent of thirty-five thousand dollars in sums of not less than one hundred dollars each and signed by said reeve and the treasurer of the said corporation and sealed with the seal of the said corporation.

3. That the said debentures shall be made payable at the agency of the Molson's Bank in the village of Aylmer, in the county of Elgin, on the days and times and in the amounts following, that is to say :

On the thirty-first day of December, 1891....	\$1,059
“ “ 1892....	1,112
“ “ 1893....	1,158
“ “ 1894....	1,226
“ “ 1895....	1,288
“ “ 1896....	1,351
“ “ 1897....	1,420
“ “ 1898....	1,491
“ “ 1899....	1,565
“ “ 1900....	1,643
“ “ 1901....	1,725
“ “ 1902....	1,812
“ “ 1903....	1,915
“ “ 1904....	1,997
“ “ 1905....	2,097
“ “ 1906....	2,202
“ “ 1907....	2,311
“ “ 1908....	2,427
“ “ 1909....	2,548
“ “ 1910....	2,653

And shall have attached to them coupons for the payment of interest.

4. That the said debentures shall bear interest at the rate of five per cent. per annum from the date thereof, which interest shall be payable on the 31st day of December in each year at the said agency of the Molson's Bank.

5. That for the payment of the principal of the said debentures and the interest at the rate aforesaid to become due thereon, the sum of \$2,809 shall be raised and levied in each year by a special rate sufficient to raise the said sum annually on all the rateable property in the said township of Bayham, in addition to all other rates, during the continuance of the said debentures or any of them.

6. That the said debentures shall forthwith upon the execution by the company of the agreement mentioned in the 9th clause of this by-law be delivered to Charles O. Ermatinger, Esq., deputy judge, of the county of Elgin, or his successor in office.

7. That the said Ermatinger or his successor in office shall receive the said debentures, with the coupons thereto attached, in trust to deposit the same in some chartered bank having an office in the Province of Ontario, and to deliver the same to the said company, its successors or assigns, upon the completion of the said railway to the village of Port Burwell, including the necessary buildings for the accommodation of the passenger and freight traffic thereat.

8. That all the coupons accrued due upon such debentures prior to the company becoming entitled to receive the same from the said Ermatinger or his successor in office under the provisions of the next preceding clause hereof, shall be the property of the said corporation and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

9. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger or his successor in office the company shall execute under its corporate seal an agreement in favor of the said corporation, binding the company, its successors and assigns, to complete the said railway from some point on the line of railway of the Canada Air Line Railway Company at or near the Tilsonburg station of the said Canada Air Line Railway Company to the village of Port Burwell, on or before the 31st day of December, A.D. 1892, or on or before such other date thereafter as the said corporation shall by resolution fix and appoint for such completion and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning with accommodation for both passenger and freight traffic, and also to erect and permanently maintain the buildings necessary for the accommodation of the passenger and freight traffic not over one-half mile from the "Ingersoll and Port Burwell" road where it passes through the villages of Eden and Straffordville and at the village of Port Burwell, or such further distance as may be agreed upon between the company and the said municipal corporation at any of the said villages.

10. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger or his successor in office to said railway company, its successors or assigns, no one shall be entitled to enforce payment of the same or of any part thereof, or of the interest thereon, or of any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever; but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money or be liable for the misapplication or nonapplication thereof; but every such purchaser shall upon receiving possession of any of

said

said debentures, and paying the price agreed upon therefor, be and be held to be the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

11. That this by-law shall take effect and come into operation on the 31st day of December, A.D. 1890.

12. That the votes of the qualified electors of the said township shall be taken by ballot on this by-law pursuant to *The Municipal Act*, on the third day of September, 1890, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day at the places and by the deputy returning officers hereunder specified, that is to say :

For polling sub-division No. 1, at the Oddfellow's Hall, Port Burwell, William E. Burger, deputy returning officer ;

For polling sub-division No. 2, at Mrs. Harvey's house, near the old toll gate, in the 3rd concession of said township, W. S. Wagner, deputy returning officer ;

For polling sub-division No. 3, at Smuck's schoolhouse, James Nevill, deputy returning officer ;

For polling sub-division No. 4, at the town hall, Straffordville, W. H. McCollom, deputy returning officer ;

For polling sub-division No. 5, at the town hall, Corinth, Isaac Connor, deputy returning officer ;

For polling sub-division No. 6, at the town hall, Eden, James Dean, deputy returning officer.

13. That the clerk of the township of Bayham shall be the returning officer for the purpose of taking the vote, and he shall sum up the number of votes given for and against the said by-law, on Thursday, the 4th day of September, A.D. 1890, at the town hall, Straffordville, at the hour of two o'clock in the afternoon.

14. That the reeve of the said township shall attend at the town hall, Straffordville, on Monday, the 1st day of September, A.D. 1890, at the hour of two o'clock in the afternoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk, respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law, respectively.

Read a third time and passed the 10th day of September, A.D. 1890.

(Sgd.) J. G. PAULING.

(Sgd.) H. I. GODWIN.

{ L. S. }

PART 2.

By-law No. 498, of the municipal council of the township of Bayham, to amend by-law No. 461 of the said township.

Whereas by by-law No. 461 passed the tenth day of September, 1890, a bonus of \$35,000 was granted to The Tilsonburg, Lake Erie and Pacific Railway Company, and the said by-law was to take effect the thirty-first day of December, 1890;

And whereas by section 9 of the said by-law it is provided that the debentures for the said bonus shall not be issued until after the execution of an agreement by the said railway company, which has not yet been done;

And whereas said section 9 of said by-law further provides that such agreement should bind the said railway company to complete the said railway between certain points therein named, on or before the thirty-first December, 1892, or on or before such other date thereafter as the said corporation should by resolution fix or appoint for such completion;

And whereas the said corporation have by resolution fixed and appointed the thirty-first day of December, 1895, for such completion;

And whereas if the said debentures are dated the thirty-first day of December, 1890, it will require the council of the township to levy upon the ratepayers a sum of nearly \$6,000 in one year, which would prove a very great hardship to the ratepayers;

It is hereby enacted by the council of the corporation of the township of Bayham that said by-law No. 461 be and the same is hereby amended as follows, that is to say:—

1. By striking out all of section 3 of said by-law No. 461 between the words “that is to say” and the words “and shall have attached,” and substituting in lieu of the words so struck out, the following words:—

“ On the first day of July, 1896.....	\$1,059
“ “ 1897.....	1,112
“ “ 1898.....	1,158
“ “ 1899.....	1,226
“ “ 1900.....	1,288
“ “ 1901.....	1,351
“ “ 1902.....	1,420
“ “ 1903.....	1,491
“ “ 1904.....	1,565
“ “ 1905.....	1,643
“ “ 1906.....	1,725
“ “ 1907.....	1,812
“ “ 1908.....	1,915

“ On

" On the first day of July, 1909.,	1,997
" " 1910.	2,097
" " 1911.	2,202
" " 1912.	2,311
" " 1913.	2,427
" " 1914.	2,548
" " 1915.	2,653 "

2. By striking out of section 4 of said by-law No. 461 the words " thirty-first day of December " and substituting in lieu of the words so struck out the following words " first day of July."

3. By striking out of section 9 of said by-law No. 461 the words " thirty-first day of December, A.D. 1892," and substituting in lieu of the words so struck out the following words " thirty-first day of December, A.D. 1895."

4. By striking out of section 11 of said by-law No. 461 the words " thirty-first day of December, A.D. 1890," and substituting in lieu of the words so struck out the following words " first day of July, A.D. 1895."

Passed in open council this fourth day of February, A.D. 1895.

(Sgd) J. G. PAULING,
Municipal Clerk.

(Sgd) W. M. FORD,
Reeve. [SEAL.]

SCHEDULE B.

(Section 3.)

PART 1.

By-law No. 554, of the municipal corporation of the township of Malahide, to aid The Tilsonburg, Lake Erie and Pacific Railway Company by granting thereto the sum of \$4,000 by way of bonus, to issue debentures therefor and provide for payment of such debentures by annual special rate to be levied upon that portion of the said township of Malahide hereinafter mentioned.

Whereas by an Act of Parliament of Canada, passed in the fifty-third year of Her Majesty's reign, and entitled *An Act to Incorporate The Tilsonburg, Lake Erie and Pacific Railway Company*, power is granted to construct and operate a line of railway between a point on the line of railway of The Canada Air Line Railway Company at or near the Tilsonburg station of said Canada Air Line Railway Company and the village of Port Burwell;

And whereas the said company is authorized to receive from any municipal body who have power to make such grant aid towards the construction, equipment or maintenance of said railway, by way of bonus, gift, or loan in money or debentures;

And whereas by *The Municipal Act* a portion of a township municipality which is interested in securing the construction of a railway is empowered to aid such railway by granting thereto money or debentures by way of bonus, provided that a petition shall have been first presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and defining the portion of the township to be charged, by metes and bounds or lots and concessions, and that such petition shall have been signed by fifty freeholders, resident in such portion of the township, being duly qualified voters under *The Municipal Act*, and township municipalities are by the said *Municipal Act* empowered to pass by-laws for that purpose and for issuing debentures for raising money to meet such bonuses;

And whereas the following portion of the said township of Malahide, to wit: That portion thereof comprised in lots numbers 31, 32, 33, 34, and 35, in the first, second, third and fourth concessions, lots numbers 26, 27, 28, and 29, in the first, second, and third concessions, and lots numbers 21, 22, 23, 24 and 25, in the first and second concessions, and lots 18, 19 and 20, in the first concession of said township is interested in securing the construction of the said Tilsonburg, Lake Erie and Pacific Railway;

And whereas a petition expressing the desire to aid the said railway, by granting the said railway company a bonus of four thousand dollars, defining by lots and concessions, as in the preceding paragraph hereof, the portion of said township to be charged

charged and signed by fifty freeholders resident in the said defined portion of said township of Malahide, being duly qualified voters under *The Municipal Act*, has been presented to the council of said township;

And whereas the corporation of the township of Malahide has determined to grant the prayer of said petition;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of \$4,000, as hereinafter mentioned, payable at twenty years, at furthest from the day when this by-law shall take effect;

And whereas it will require the sum of three hundred and twenty-one dollars to be raised annually by special rate for the payment of the said debt and interest;

And whereas the amount of the whole rateable property in the hereinafter described portion of the said township of Malahide, according to the last revised assessment of the said township is the sum of \$282,110;

And whereas there is no existing debenture debt of the said municipality;

Be it therefore enacted by the municipal corporation of the township of Malahide.

1. That it shall be lawful for the said township of Malahide to aid The Tilsonburg, Lake Erie and Pacific Railway Company, by giving thereto by way of bonus, debentures to the extent of four thousand dollars.

2. It shall be lawful for the reeve of the township of Malahide, and he is hereby required to issue debentures of the said corporation to the extent of four thousand dollars in sums of not less than one hundred dollars each, and signed by the reeve and treasurer of the said corporation and sealed with the seal of the said corporation.

3. That the said debentures shall be made payable at the agency of the Molson's bank, in the town of Aylmer, county of Elgin, on the days and times and in the amounts following, that is to say:—

On the thirty-first day of January, 1892.....	\$121
“ “ 1893.....	127
“ “ 1894.....	133
“ “ 1895.....	140
“ “ “ 1896.....	147
“ “ 1897.....	154
“ “ 1898.....	163
“ “ 1899.....	170
“ “ 1900.....	179
“ “ 1901.....	187
“ “ 1902.....	197
“ “ 1903.....	207
“ “ 1904.....	217
“ “ 1905.....	229
“ “ 1906.....	237
“ “ 1907.....	252

On

On the thirty-first day of January, 1908.....	264
“ “ “ 1909.....	277
“ “ “ 1910.....	291
“ “ “ 1911.....	306

And shall have attached to them coupons for the payment of interest.

4. That the said debentures shall bear interest at the rate of five per cent. per annum from the date thereof, which interest shall be payable on the thirty-first day of January in each and every year at the said agency of the Molson's bank. ORANGE

5. That for the payment of the principal of the said debentures, and the interest at the rate aforesaid, to become due thereon, the sum of \$321 shall be raised and levied in each year by a special rate sufficient to raise the said sum annually on all the rateable property in said portion of the said township of Malahide, being that portion thereof comprised in lots numbers 31, 32, 33, 34 and 35 in the first, second, and third and fourth concessions, lots numbers 26, 27, 28, 29 and 30 in the first, second and third concessions, and lots numbers 21, 22, 23, 24 and 25, in the first and second concessions, and lots 18, 19 and 20, in the first concession of said township in addition to all other rates during the continuance of said debentures or any of them.

6. That the said debentures shall forthwith upon the execution by the company of the agreement mentioned in the ninth clause of this by-law, be delivered to Charles O. Ermatinger, Esq., deputy judge of the county of Elgin, or his successor in office.

7. That the said Ermatinger or his successor in office shall receive the said debentures with the coupons thereto attached, in trust, to deposit the same in some chartered bank, having an office in the Province of Ontario, and to deliver the same to the said company, its successors or assigns, upon the completion of the said railway to the village of Port Burwell,* including the necessary buildings for the accommodation of the passenger and freight traffic thereat.

8. That all the coupons accrued due upon such debentures prior to the company becoming entitled to receive the same from the said Ermatinger or his successor in office, under the provisions of the next preceding clause hereof, shall be the property of the said corporation, and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

9. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger, or his successor in office, the company shall execute under its corporate seal an agreement in favor of the said corporation, binding the company, its successors and assigns, to complete the said railway from some point on the line of railway of The Canada Air Line Railway Company at or near the Tilsonburg station of the said Canada Air Line Railway Company, to the village of Port

Burwell, on or before the thirty-first day of December, A.D. 1892, or on or before such other date thereafter as the said corporation shall, by resolution fix and appoint for such completion, and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning with accommodation for both passenger and freight traffic.

10. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger, or his successor in office to said railway company, its successors or assigns, no one shall be entitled to enforce payment of the same or of any part thereof, or of the interest thereon or any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever, but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money or be liable for the misapplication or nonapplication thereof; but every such purchaser shall upon receiving possession of any said debentures and paying the price agreed upon therefor be and be held to be the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

11. That this by-law shall take effect and come into operation on the thirty-first day of January, A.D. 1891.

12. That the votes of the qualified electors of the said hereinbefore mentioned portion of said township shall be taken by ballot on this by-law, pursuant to *The Municipal Act*, on the thirtieth day of December, A.D. 1890, from the hour of nine o'clock in the forenoon until the hour of five o'clock in afternoon of the same day, at the place and by the returning officer hereunder specified, that is to say:—

At the brick schoolhouse on lot No. 3, con. 2.

Returning Officer, JOHN HAGGAN.

13. That the clerk of the township of Malahide shall be the returning officer for the purpose of taking the vote, and shall sum up the number of votes given for and against the said by-law on Wednesday, the thirty-first day of December, 1890, at the clerk's office, in the town of Aylmer, at the hour of two o'clock in the afternoon.

14. That the reeve of the said township shall attend at his residence, on lot No. 22, on the first concession, on Saturday, the 27th day of December, A.D. 1890, at the hour of two o'clock in the afternoon, to appoint persons to attend at the polling place, and at the final summing up of the votes by the

clerk

clerk respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law respectively.

Finally passed in Council, this seventh day of January, A.D. 1891.

(Sgd.) M. E. LYON,
Reeve.

JOHN HAGGAN,
Clerk.

PART 2.

By-law No. 627 of the Municipal Council of the Township of Malahide, to amend By-law No. 554 of the said Township.

Whereas, by by-law No. 554, passed the 7th day of January, 1891, a bonus of \$4,000 was granted to The Tilsonburg, Lake Erie and Pacific Railway Company, and the said by-law was to take effect the 31st day of January, 1891 ;

And whereas, by section 9 of said by-law it is provided that the debentures for said bonus shall not be issued until after the execution of an agreement by the said railway company, which has not yet been done ;

And whereas, said section 9 of said by-law further provides that such agreement should bind the said railway company to complete the said railway between certain points therein named on or before the 31st December, 1892, or on or before such other date thereafter as the said corporation should by resolution fix or appoint for such completion ;

And whereas the said corporation have by resolution fixed and appointed the 31st day of December, 1895, for such completion ;

And whereas if the said debentures are dated the 31st day of January, 1891, it will require the council of the said township to levy upon the ratepayers in that portion of the said township set forth in the said by-law a sum of nearly \$1,300 in one year, which would prove a very great hardship to the ratepayers.

It is hereby enacted by the council of the corporation of the township of Malahide that said by-law No. 554 be and the same is hereby amended as follows, that is to say :

1. By striking out all of section 3 of said by-law No. 554 between the words "that is to say" and the words "and

shall

shall have attached " and substituting in lieu of the words so struck out the following words:

" On the 1st day of July, 1896.....	\$121
" " 1897.....	127
" " 1898.....	133
" " 1899.....	140
" " 1900.....	147
" " 1901.....	154
" " 1902.....	163
" " 1903.....	170
" " 1904.....	179
" " 1905.....	187
" " 1906.....	197
" " 1907.....	207
" " 1908.....	217
" " 1909.....	229
" " 1910.....	237
" " 1911.....	252
" " 1912.....	264
" " 1913.....	277
" " 1914.....	291
" " 1915.....	306."

2. By striking out of section 4 of said by-law No. 554 the words "31st day of January" and substituting in lieu of the words so struck out the following words "1st day of July."

3. By striking out of section 9 of said by-law No. 554 the words "31st day of December, A.D., 1892," and substituting in lieu of the words so struck out the following words "31st day of December, 1895."

4. By striking out of section 11 of said by-law No. 554 the words "31st day of January, A.D. 1891," and substituting in lieu of the words so struck out the following words "1st day of July, A.D. 1895."

Passed in council held in the town hall this 3rd day of February, 1895.

(Sgd.) RICHARD LOCKER,
Reeve.
(Sgd.) JOHN HAGGAN,
Clerk.

[SEAL].

SCHEDULE C.

(Section 3.)

PART 1.

By-law No. 238 of the Municipal Corporation of the Village of Vienna, to aid the Tilsonburg, Lake Erie and Pacific Railway Company by granting thereto the sum of \$3,000 by way of bonus to issue Debentures therefor and provide for payment of such Debentures by an annual special rate to be levied upon the said Village.

Whereas by an Act of the Parliament of Canada passed in the fifty-third year of Her Majesty's reign, and intituled *An Act to Incorporate the Tilsonburg, Lake Erie and Pacific Railway Company* power is granted to construct and operate a line of railway between a point on the line of railway of The Canada Air Line Railway Company, at or near the Tilsonburg station of said Canada Air Line Railway Company and the village of Port Burwell;

And whereas the said company is authorized to receive from any municipal body who have power to make such grant, aid towards the construction, equipment or maintenance of said railway, by way of bonus, gift or loan, in money or debentures;

And whereas by *The Municipal Act*, incorporated village municipalities are empowered to pass by-laws for granting bonuses to any railway company in aid of such railway, and for issuing debentures for raising money to meet such bonuses;

And whereas the corporation of the village of Vienna has determined to aid the said company in the construction of said railway by granting thereto a bonus of three thousand dollars;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of \$3,000, as hereinafter mentioned, payable at twenty years at farthest from the day when this by-law shall take effect;

And whereas it will require the sum of one hundred and fifty dollars to be raised annually to pay the interest on the said debentures, and an annual sum of ninety-one dollars to form a sinking fund to pay off the said debentures at the expiration of twenty years, to be raised by a special rate on the whole ratable property of the said village in the year 1891, and in each of the next nineteen succeeding years; and the sum so required to be raised in each of such years to pay the debentures hereinafter authorized to be issued, and the interest thereon at 5 per cent. per annum, is the sum of \$241;

And whereas the whole ratable property of the said village of Vienna according to the last revised assessment roll of the said village is the sum of \$72,764.00;

And whereas there is no existing debenture debt of the said municipality:

Be

Be it therefore enacted by the municipal corporation of the village of Vienna :

1. That it shall be lawful for the said village of Vienna to aid the Tilsonburg, Lake Erie and Pacific Railway Company by giving thereto, by way of bonus, debentures to the extent of \$3,000.

2. That it shall be lawful for the reeve of the said corporation, and he is hereby required to cause any number of debentures of the said corporation to be made for such sums of money as shall be required for such purpose, of not less than one hundred dollars each and not exceeding in the whole three thousand dollars, which debentures shall be sealed with the seal of the said corporation and signed by the reeve and countersigned by the treasurer of said corporation.

3. That the said debentures shall be made payable within twenty years from the day on which this by-law shall take effect, namely, on the 31st day of December, 1890, and shall be made payable at the office of the Molsons' bank at Aylmer, and shall bear interest at the rate of five per centum per annum, payable annually on the 31st day of December in each year, at the office of the said Molsons' bank, at Aylmer, and shall have attached to them coupons for payment of the said interest as aforesaid.

4. That for the purpose of paying the said debentures and interest the sum of two hundred and forty-one dollars shall, in addition to all other rates, be assessed, raised, levied and collected upon all the ratable property in the village of Vienna, in each year of the currency of the said debentures, by a special rate sufficient to raise the said sum annually.

5. That the said debentures shall forthwith, upon the execution by the company of the agreement mentioned in the 8th clause of this by-law, be delivered to Charles O. Ermatinger, Esq., deputy judge of the county of Elgin, or his successor in office.

6. That the said Ermatinger, or his successor in office, shall receive the said debentures, with the coupons thereto attached, in trust to deposit the same in some chartered bank having an office in the Province of Ontario, and to deliver the same to the said company, its successors or assigns, upon the completion of the said railway to the village of Port Burwell.

7. That all the coupons accrued due upon such debentures, prior to the company becoming entitled to receive the same from the said Ermatinger, or his successor in office, under the provisions of the next preceding clause hereof, shall be the property of the said corporation and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

8. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger or his successor in office the company shall execute under its corporate seal an agreement in favor of the said corporation, binding the

company,

company, its successors and assigns, to complete the said railway from some point on the line of railway of The Canada Air Line Railway Company at or near the Tilsonburg station of the said Canada Air Line Railway Company to the village of Port Burwell on or before the 31st day of December, A.D. 1892, or on or before such other date thereafter as the said corporation shall, by resolution, fix and appoint for such completion, and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning with accommodation for both passenger and freight traffic, and also to erect and permanently maintain the buildings necessary for the accommodation of the passenger and freight traffic not more than three-quarters of a mile from the intersection of Main and Front streets in the said village of Vienna, or such further distance as may be agreed upon between the company and the said municipal corporation of the said village.

9. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger or his successor in office to said railway company, its successors or assigns, no one shall be entitled to enforce payment of the same or of any part thereof, or of the interest thereon, or of any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever; but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money or be liable for the misapplication or non-application thereof; but every such purchaser shall, upon receiving possession of any of said debentures, and paying the price agreed upon therefor, be and be held to be the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

10. That this by-law shall take effect and come into operation on the 31st day of December, A.D. 1890.

11. That the votes of the qualified electors of the said village shall be taken by ballot on this by-law pursuant to *The Municipal Act* on the 21st day of October, 1890, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day at the place and by the returning officer hereunder specified, that is to say :

At the town hall, in the said village, by William Watts, clerk of the said village, returning officer.

12. That the clerk of the village of Vienna shall be the returning officer for the purpose of taking the vote, and he shall sum up the number of votes given for and against the said by-law on the 22nd day of October, A.D. 1890, at the said town hall at the hour of two o'clock in the afternoon.

13. That the reeve of the said village shall attend at the said town hall on the 20th day of October, A.D. 1890, at the hour of two o'clock in the afternoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk, respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law respectively.

Read a third time and passed the 27th day of October, A.D. 1890.

(Sgd.) JOHN H. TEALL,
Reeve.

(Sgd.) WILLIAM WATTS,
Municipal Clerk.

PART 2.

By-law No. 273 of the Municipal Council of the Village of Vienna, to amend By-law No. 238 of the said Village.

Whereas by by-law No. 238, passed the 27th day of October, 1890, a bonus of \$3,000 was granted to The Tilsonburg Lake, Erie and Pacific Railway Company, and the said by-law was to take effect the 31st day of December, 1890 ;

And whereas by section 8 of said by-law it is provided that the debentures for said bonus shall not be issued until after the execution of an agreement by the said railway company, which has not yet been done ;

And whereas said section 8 of said by-law further provides that such agreement should bind the said railway company to complete the said railway between certain points therein named, on or before the 31st December, 1892, or on or before such other date thereafter as the said corporation should by resolution fix or appoint for such completion ;

And whereas the said corporation have by resolution fixed and appointed the 31st day of December, 1895, for such completion ;

And whereas, if the said debentures are dated the 31st day of December, 1890, it will require the council of the said village to levy upon the ratepayers a sum of nearly \$1,200 in one year, which would prove a very great hardship to the ratepayers.

It is hereby enacted by the council of the corporation of the village of Vienna that said By-law No. 238 be and the same is hereby amended as follows, that is to say:—

1. By striking out of section 3 of said by-law No. 238 the words "31st day of December, 1890," and substituting in lieu of the words so struck out the words "1st day of July, 1895." Also by striking out of said section the words "31st day of December in each year" and substituting in lieu of the the words so struck out the words "1st day of July in each year."

2. By striking out of section 8 of said by-law No. 238 the words "31st day of December, A.D. 1892," and substituting in lieu of the words so struck out the following words, "31st day of December, A.D. 1895."

3. By striking out of section 10 of said by-law No. 238 the words "31st day of December, A.D. 1890," and substituting in lieu of the words so struck out the following words, "1st day of July, A.D. 1895."

(Sgd.) W. WATTS,
Clerk, Vienna.

(Sgd.) JOHN H. TEALL,
Reeve.

SCHEDULE D.

(Section 7.)

PART 1.

By-law No. 229 of the Municipal Corporation of the Town of Tilsonburg.

To aid The Tilsonburg, Lake Erie and Pacific Railway Company by granting thereto the sum of \$10,000, by way of bonus, to issue debentures therefor, and provide for payment of such debentures by an annual special rate to be levied upon the said town.

Whereas by an Act of the Parliament of Canada, passed in the 53rd year of Her Majesty's reign, and intituled *An Act to Incorporate the Tilsonburg, Lake Erie and Pacific Railway Company*, power is granted to construct and operate a line of railway between a point on the line of railway of The Canada Air Line Railway Company, at or near the Tilsonburg station of said Canada Air Line Railway Company, and the village of Port Burwell;

And

And whereas the said company is authorized to receive from any municipal body, who have power to make such grant, aid towards the construction, equipment or maintenance of said railway, by way of bonus, gift or loan, in money or debentures ;

And whereas by *The Municipal Act* town municipalities are empowered to pass by-laws for granting bonuses to any railway company in aid of such railway, and for issuing debentures for raising money to meet such bonuses ;

And whereas the corporation of the town of Tilsonburg has determined to aid the said company in the construction of said railway by granting thereto a bonus of ten thousand dollars ;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of \$10,000, as hereinafter mentioned, payable at twenty years at farthest from the day when this by-law shall take effect ;

And whereas it will require the sum of eight hundred and two dollars and fifty cents to be raised annually by special rate for the payment of the said debt and interest ;

And whereas the amount of the whole rateable property in the said town of Tilsonburg, according to the last revised assessment roll of the said town, is the sum of \$627,240 ;

And whereas the existing debenture debt of the said municipality amounts to the sum of \$37,861, and there is none of the principal nor interest in arrear.

Be it therefore enacted by the municipal corporation of the town of Tilsonburg :

1. That it shall be lawful for the said town of Tilsonburg to aid The Tilsonburg, Lake Erie and Pacific Railway Company by giving thereto, by way of bonus, debentures to the extent of ten thousand dollars.

2. It shall be lawful for the mayor of the town of Tilsonburg, and he is hereby required, to issue debentures of the said corporation to the extent of ten thousand dollars, in sums of not less than one hundred dollars each, and signed by said mayor and the treasurer of the said corporation, and sealed with the seal of the said corporation.

3. That the said debentures shall bear interest at the rate of five per centum per annum, and shall be made payable, both principal and interest, at the office of the treasurer of the said corporation in the town of Tilsonburg, in the county of Oxford, on the days and times and in the amounts following, that is to say :

On the 31st day of December, 1891.....	\$302
“ “ “ 1892.....	317
“ “ “ 1893.....	333
“ “ “ 1894.....	350
“ “ “ 1895.....	367
“ “ “ 1896.....	386
“ “ “ 1897.....	405
“ “ “ 1898.....	425

On the 31st day of December, 1899.....	447
“ “ 1900.....	469
“ “ 1901.....	493
“ “ 1902.....	517
“ “ 1903.....	543
“ “ 1904.....	570
“ “ 1905.....	599
“ “ 1906.....	630
“ “ 1907.....	660
“ “ 1908.....	694
“ “ 1909.....	728
“ “ 1910.....	765

4. That for the payment of the principal of the said debentures and the interest at the rate aforesaid to become due thereon, the sum of \$802.50 shall be raised and levied in each year by a special rate sufficient to raise the said sum annually on all the rateable property in the said town of Tilsonburg, in addition to all other rates, during the continuance of the said debentures or any of them.

5. That the said debentures shall forthwith, upon the execution by the company of the agreement mentioned in the 8th clause of this by-law, be delivered to Charles O. Ermatinger, Esq., deputy judge of the county of Elgin, or his successor in office.

6. That the said Ermatinger or his successor in office shall receive the said debentures with the coupons thereto attached, in trust, to deposit the same in some chartered bank having an office in the Province of Ontario, and to deliver the same to the said company, its successors or assigns, upon the completion of the said railway to the village of Port Burwell.

7. That all the coupons accrued due upon such debentures prior to the company becoming entitled to receive the same from the said Ermatinger or his successor in office, under the provisions of the next preceding clause, hereof, shall be the property of the said corporation and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

8. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger or his successor in office, the company shall execute under its corporate seal an agreement in favor of the said corporation, binding the company, its successors and assigns, to complete the said railway from some point on the line of railway of The Canada Air Line Railway Company, at or near the Tilsonburg station of the said Canada Air Line Railway Company, to the village of Port Burwell, on or before the 31st day of December, A.D. 1892, or on or before such other date thereafter as the said corporation shall by resolution fix and appoint for such completion, and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning with

with accommodation for both passenger and freight traffic, and that all regular passenger trains running from the town of Tilsonburg or the line of the said Canada Air Line Railway Company to Port Burwell, or *vice versa*, shall go from and come to the station of the Brantford, Norfolk and Port Burwell Railway, in the town of Tilsonburg, and that all regular mixed trains running from said town or said Canada Air Line Railway to Port Burwell, as aforesaid, or *vice versa*, shall go from and come to the said station of the said Brantford, Norfolk and Port Burwell Railway, in the said town of Tilsonburg or shall run in direct connection with trains going from or coming to such station.

9. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger or his successor in office to said railway company, its successors or assigns, no one shall be entitled to enforce payment of the same or of any part thereof, or of the interest thereon, or of any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever; but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money, or be liable for the misapplication or non-application thereof; but every such purchaser shall, upon receiving possession of any of said debentures, and paying the price agreed upon therefor, be, and be held to be, the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

10. That this by-law shall take effect and come into operation on the 31st day of December, A.D. 1890.

11. That the votes of the qualified electors of the said town shall be taken by ballot on this by-law pursuant to the *Municipal Act* on Wednesday, the 8th day of October, 1890, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day, at the places and by the deputy returning officers hereunder specified, that is to say:

For polling sub-division No. 1, at the Council Chamber; John Garnett, deputy returning officer.

For polling sub-division No. 2, in room over the Trader's Bank; R. H. Armstrong, deputy returning officer.

For polling sub-division No. 3, at the Market House; Thos. Barnecott, deputy returning officer.

12. That the clerk of the town of Tilsonburg shall be the returning officer for the purpose of taking the vote, and he shall sum up the number of votes given for and against the said by-law on Thursday, the ninth day of October, A.D. 1890, at his office in the town of Tilsonburg, at the hour of two o'clock in the afternoon.

13. That the mayor of the said town shall attend at his office in Tilsonburg on Tuesday, the seventh day of October, A.D. 1890, at the hour of two o'clock in the afternoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law, respectively.

Read a third time and passed this fourteenth day of October, 1890.

(Sgd.) E. C. JACKSON,
Town Clerk.

(Sgd.) J. C. ROSS,
Mayor. [L.S.]

PART 2.

By-law No. 334 of the Municipal Corporation of the Town of Tilsonburg, to amend by-law No. 229 of the said Town.

Whereas by section 8 of by-law No. 229 of the town of Tilsonburg, The Tilsonburg, Lake Erie and Pacific Railway Company were required to cause all trains on the said railway to depart from and arrive at the Tilsonburg station of The Brantford Norfolk and Port Burwell Railway;

And whereas the foregoing condition was inserted in said by-law upon the supposition that the said Tilsonburg, Lake Erie and Pacific Railway would be constructed and operated by the Grand Trunk Railway Company as agreed upon with the general manager thereof;

And whereas the said Grand Trunk Railway Company have since refused to carry into effect the arrangement entered into by their general manager, and such refusal makes it impossible for the said Tilsonburg, Lake Erie and Pacific Railway Company to comply with the conditions of section 8 of the said by-law;

And whereas the objects to be attained by section 8 may be secured by the erection of a station in another locality, and it is of great importance to the business interests of the town of Tilsonburg that the said section of the Tilsonburg, Lake Erie and Pacific Railway between Tilsonburg and Port Burwell shall be built and operated at as early a date as possible;

Be it therefore enacted by the municipal council of the town of Tilsonburg.

1. That by-law No. 229 of the said town be and the same is hereby amended by adding the following words after the word

“ station ”

"station" in the last line of section 8 of the said by-law No. 229, namely : "if the said Tilsonburg, Lake Erie and Pacific Railway is operated by the said Grand Trunk Railway Company of Canada, and if the said Tilsonburg, Lake Erie and Pacific Railway is not so operated, then trains on the said railway may depart from and arrive at a station located in the said town of Tilsonburg at such a point in the said town as the council of the said town may in future determine upon."

Read a third time and passed the 8th day of January, 1895.

(Sgd.) E. C. JACKSON,
Town Clerk.

(Sgd.) WM. M. BRADY,
Mayor.

PART 3.

By-law No. 355 of the Municipal Council of the Town of Tilsonburg, to amend By-law No. 229 of the said Town.

Whereas by by-law No. 229 passed the 14th day of October A.D. 1890, a bonus of \$10,000 was granted to The Tilsonburg Lake Erie and Pacific Railway Company, and the said by-law was to take effect the 31st day of December, 1890 ;

And whereas by section 8 of said by-law it is provided that the debentures for said bonus shall not be issued until after the execution of an agreement by the said railway company, which has not yet been done ;

And whereas said section 8 of said by-law further provides that such agreement should bind the said railway company to complete the said railway between certain points therein named on or before the 31st December, 1892, or on or before such other date thereafter as the said corporation should by resolution fix or appoint for such completion ;

And whereas the said corporation have by resolution fixed and appointed the 31st day of December, 1895, for such completion ;

And whereas if the said debentures are dated the 31st day of December, 1890, it will require the council of the said town to levy upon the ratepayers a sum of about \$4,000 in one year, which would prove a very great hardship to the ratepayers.

It is hereby enacted by the council of the corporation of the town of Tilsonburg that said by-law No. 229 be and the same is hereby amended as follows, that is to say :

1. By striking out all of section 3 of said by-law No. 229 after the words, "that is to say" and substituting in lieu of the words so struck out the following words:

'On the 1st day of July, 1896.....	\$302
" " 1897.....	317
" " 1898.....	333
" " 1899.....	350
" " 1900.....	367
" " 1901.....	386
" " 1902.....	405
" " 1903.....	425
" " 1904.....	447
" " 1905.....	469
" " 1906.....	493
" " 1907.....	517
" " 1908.....	543
" " 1909.....	570
" " 1910.....	599
" " 1911.....	630
" " 1912.....	660
" " 1913.....	694
" " 1914.....	728
" " 1915.....	765

2. By striking out of section 8 of said by-law No. 229 the words "31st day of December, A.D. 1892," and substituting in lieu of the words so struck out the following words, "31st day of December, A.D. 1895."

3. By striking out of section 10 of said by-law No. 229 the words "31st day of December, A.D. 1890," and substituting in lieu of the words so struck out the following words, "1st day of July, A.D. 1895."

Read a third time and passed the 12th day of February, 1895.

(Sgd.) W. J. WILKINS,
Mayor.

(Sgd.) E. C. JACKSON, [SEAL]
Town Clerk.

SCHEDULE E.

(Section 9.)

BY-LAW No. 276.

Of the Municipal Corporation of the Township of Houghton, to aid the Tilsonburg Lake Erie and Pacific Railway Company, by granting thereto the sum of \$3,000 by way of bonus, to issue Debentures therefor and provide for payment of such Debentures by an annual special rate to be levied upon a portion of the said Township.

Whereas by an Act of the Parliament of Canada passed in the 53rd year of Her Majesty's reign and entitled *An Act to Incorporate the Tilsonburg Lake Erie and Pacific Railway Company*, power is granted to construct and operate a line of railway between a point on the line of railway of The Canada Air Line Railway Company at or near the Tilsonburg station of said Canada Air Line Railway Company and the village of Port Burwell;

And whereas the said company is authorized to receive from any municipal body who have power to make such grant, aid towards the construction, equipment or maintenance of said railway by way of bonus, gift or loan in money or debentures;

And whereas by *The Municipal Act*, township municipalities are empowered to pass by-laws for granting bonuses to any railway company in aid of such railway, and for issuing debentures for raising money to meet such bonuses;

And whereas that portion of the township of Houghton comprised within the following boundaries that is to say, commencing at the southwest corner of the said township, thence along the southern boundary to the easterly limit of lot twelve south of the lake road, thence northerly along the road allowance between lots twelve and thirteen to the northern limit of lot seven in the fourth concession; thence westerly along the road allowance between lots seven and eight to the eastern limit of the second concession, thence northerly along the road allowance between the second and third concessions to the town line between Houghton and North Walsingham, thence northerly and westerly to the town line between the townships of Houghton, North Walsingham and Middleton, to the northern angle of the township of Houghton, thence southerly along the town line between Houghton and Bayham to the place of beginning;

And whereas the above described portion of the said township of Houghton has determined to aid the said company in the construction of said railway, by granting thereto a bonus of three thousand dollars;

And whereas it will be necessary for the said municipal corporation to issue debentures to the extent of \$3,000, as hereinafter mentioned, payable at twenty years at farthest from the day when this by-law shall take effect;

And

And whereas it will require the sum of two hundred and forty-one dollars to be raised annually by special rate upon the taxable property of the said township of Houghton comprised within limits above set forth for the payment of the said debt and interest;

And whereas the amount of the whole rateable property in the above described portion of the township of Houghton, according to the last revised assessment roll of the said township, being for the year 1893, is the sum of two hundred and ninety thousand, one hundred and eighty dollars (\$290,180);

And whereas there is no existing debenture debt of the said municipality;

Be it therefore enacted by the municipal corporation of the township of Houghton:

1st. That it shall be lawful for the said described portion of the township of Houghton to aid The Tilsonburg Lake Erie and Pacific Railway Company by giving thereto by way of bonus debentures to the extent of three thousand dollars.

2nd. It shall be lawful for the reeve of the township of Houghton and he is hereby required to issue debentures of the said corporation to the extent of three thousand dollars in sums of not less than one hundred dollars each and signed by said reeve and the treasurer of the said corporation and sealed with the seal of the said corporation.

3rd. That the said debentures shall be made payable at the agency of the Traders bank in the town of Tilsonburg in the county of Oxford, on the days and times and in the amounts following, that is to say:

On the 31st day of July, 1895.....	\$ 90 60
“ “ 1896.....	95 40
“ “ 1897.....	99 60
“ “ 1898.....	105 00
“ “ 1899.....	110 40
“ “ 1900.....	115 80
“ “ 1901.....	121 80
“ “ 1902.....	127 80
“ “ 1903.....	133 80
“ “ 1904.....	141 00
“ “ 1905.....	147 60
“ “ 1906.....	155 40
“ “ 1907.....	162 60
“ “ 1908.....	171 00
“ “ 1909.....	180 00
“ “ 1910.....	188 40
“ “ 1911.....	198 00
“ “ 1912.....	208 20
“ “ 1913.....	218 40
“ “ 1914.....	229 20

and shall have attached to them coupons for the payment of interest.

4th. That the said debentures shall bear interest at the rate of five per cent. per annum from the date thereof, which interest shall be payable on the 31st day of January in each year at the said agency of the Traders' bank.

5th. That for the payment of the principal of the said debentures and the interest at the rate aforesaid to become due thereon, the sum of \$241 shall be raised and levied in each year by a special rate sufficient to raise the said sum annually on all the rateable property in the said described portion of the said township of Houghton in addition to all other rates during the continuance of the said debentures or any of them.

6th. That the said debentures shall forthwith upon the execution by the company of the agreement mentioned in the ninth clause of this by-law be delivered to C. O. Ermatinger, Esq., deputy judge of the county of Elgin, or his successor in office.

7th. That the said Ermatinger or his successor in office shall receive the said debentures with the coupons thereto attached in trust to deposit the same in some chartered bank having an office in the Province of Ontario, and to deliver the same to the said company, its successor or assigns, upon the completion of the said railway to the village of Port Burwell, including the necessary buildings for the accommodation of the passenger and freight traffic thereat.

8th. That all the coupons accrued due upon such debentures prior to the company becoming entitled to receive the same from the said Ermatinger or his successor in office, under the provisions of the next preceding clause hereof, shall be the property of the said corporation of the township of Houghton, and shall be returned by the said Ermatinger or his successor in office to the treasurer thereof.

9th. That before the company shall be entitled to have the said debentures delivered to the said Ermatinger or his successor in office, the company shall execute under its corporate seal an agreement in favor of the said corporation of Houghton, binding the company, its successors and assigns, to complete the said railway from some point on the line of railway of the Canada Air Line Railway Company at or near the Tilsonburg station of the said Canada Air Line Railway Company to the village of Port Burwell, with a station near the road running east from Griffin's corners, on or before the 31st day of December, 1895, or on or before such other date thereafter as the said corporation of Houghton shall by resolution fix and appoint for such completion, and to run and operate at least one train on each lawful day each way over the line of the said railway so to be constructed, such train to leave Port Burwell in the morning, with accommodation for both passenger and freight traffic.

10th. That until the debentures issued under and by virtue of this by-law shall have been delivered by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no one shall be entitled to enforce

payment

payment of the same or of any part thereof or of the interest thereon or of any part thereof, and no one except the said Ermatinger or his successor in office shall be deemed to be the lawful holder of said debentures for any purpose whatsoever, but after the delivery of the said debentures by the said Ermatinger or his successor in office to the said railway company, its successors or assigns, no purchaser of any of said debentures shall be bound to see to the application of his purchase money or be liable for the misapplication or non-application thereof, but every such purchaser shall upon receiving possession of any of said debentures and paying the price agreed upon therefor be and be held to be the actual and *bona fide* owner and holder thereof, and he shall not be affected by the provisions and conditions in this by-law contained.

11th. That this by-law shall take effect and come into operation on the 31st day of July, 1894.

12th. That the votes of the qualified electors of the said township shall be taken by ballot on this by-law, pursuant to *The Municipal Act*, on Tuesday, the 26th day of June, 1894, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day at the places and by the deputy returning officers hereunder specified, that is to say:

For polling sub-division No. 1, at the old post office in the village of Houghton Centre; Thomas McCord, deputy returning officer.

For polling sub-division No. 2, at W. W. William's office in the village of Fairground; W. W. Williams, deputy returning officer.

For polling sub-division No. 3, at W. Y. Emery's farm house, near Mosher's schoolhouse; Thomas Forsyth, deputy returning officer.

13th. That the clerk of the township of Houghton shall be the returning officer for the purpose of taking the vote, and he shall sum up the number of votes given for and against the said by-law on Saturday, the 30th day of June, 1894, at the town hall, Fairground, at the hour of ten o'clock in the forenoon.

14th. That the reeve of the said township of Houghton shall attend at the town hall, Fairground, on Saturday, the 14th day of June, 1894, at the hour of two o'clock in the afternoon, to appoint persons to attend at the various polling places and at the final summing up of votes by the clerk, respectively, on behalf of the persons interested in and forwarding or opposing the passage of this by-law, respectively.

Passed in open council on 28th day of July, 1894.

(Sgd.) JAS. BOYD, [L.S.]
Clerk.

(Sgd.) WM. KELLY,
Reeve.

SCHEDULE

SCHEDULE F.

(Section 10.)

By-law No. 481 of the Municipal Corporation of the Township of Bayham, to transfer the Harbor and Harbor Property at Port Burwell, now owned by the said Corporation, to The Tilsonburg, Lake Erie and Pacific Railway Company.

Whereas, the harbor and harbor property at Port Burwell, on Lake Erie has become the property of the corporation of the township of Bayham, and the said corporation is unable to make the repairs now required by the said harbor, and to maintain it in proper condition, to make it safe for vessels, and unless proper repairs are made at an early day the said harbor will become totally unfit for use;

And whereas, The Tilsonburg, Lake Erie and Pacific Railway Company propose to construct a line of railway from the town of Tilsonburg to the said harbor at Port Burwell, and desire to have the said harbor put in proper repair, so as to fit it for general lake traffic;

And whereas, the corporation of the township of Bayham is anxious to secure the construction of the said railway and the improvement of the said harbor;

Be it therefore enacted by the council of the corporation of the township of Bayham:—

1. That it shall be lawful for the said council to transfer to the said The Tilsonburg, Lake Erie and Pacific Railway Company all the rights, title and interest the said corporation of the township of Bayham now have in the harbor and harbor property at Port Burwell, upon the conditions hereinafter set forth:

2. The reeve and clerk of the said corporation of the township of Bayham are hereby authorized and instructed to execute a deed of the said harbor and harbor property at Port Burwell in favor of the said The Tilsonburg, Lake Erie and Pacific Railway Company, reserving the right to the said corporation of the township of Bayham of full control of all gravel that now is or may be at any time and at all times on the beach on the said Port Burwell harbor lands, together with a right of way through said Port Burwell harbor lands at all times to remove said gravel for township or other uses.

(a) Previous to the execution of the said deed by the reeve and clerk and the transfer of the said harbor and harbor property to the said The Tilsonburg, Lake Erie and Pacific Railway Company, they, the said railway company, shall construct their railway within the time limited by resolution of the said council of the township of Bayham, and shall cause the said harbor to be repaired, so as to make it safe for the use of vessels drawing at least twelve feet of water, within five years from and after the passing of this by-law.

(b)

(b) The reeve and clerk of the said township of Bayham are hereby authorized to execute bonds on behalf of the said corporation of the township of Bayham with the said The Tilsonburg, Lake Erie and Pacific Railway Company, in compliance with the conditions set forth in this by-law.

3rd. That should the said harbor and harbor property at Port Burwell be transferred as herein provided for to the said The Tilsonburg, Lake Erie and Pacific Railway Company, then the said harbor and harbor property are hereby exempted from all taxation for a period of ten years from and after the passing of this by-law.

Passed in open council this 6th day of March, A.D. 1893.

(Sgd.) W. M. FORD,
Reeve. [L.S].

(Sgd.) J. G. PAULING,
Municipal Clerk.

CHAPTER 114.

An Act to incorporate The Toronto, Hamilton and Niagara Falls Electric Railway Company.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS John Flett, John Taylor Gilmour, Herbert Hartley Dewart, Albert Romaine Lewis, Peter Ryan, Edward A. C. Pew, Thomas Home and Samuel Clarke Biggs all of the city of Toronto in the county of York, and the Honorable R. W. Scott, of the city of Ottawa in the county of Carleton, have by their petition prayed for an Act of incorporation under the name of "The Toronto, Hamilton and Niagara Falls Electric Railway Company" for the purpose of constructing and operating electric railways from the city of Toronto along Dundas Street to some point in the city of Hamilton passing through the township of York to the village of Islington in the township of Etobicoke, the villages of Dixie, Cooksville and Credit in the township of Toronto, the villages of Trafalgar and Palermo in the township of Trafalgar, the villages of St. Anne's, Nelson and Burlington in the township of Nelson, then across Burlington Beach through the townships of Saltfleet and Barton to some point in the city of Hamilton, or from the village of Nelson aforesaid in the township of Nelson through the township of East Flamboro' to the city of Hamilton and also from the said point in the city of Hamilton to some point on the Niagara river at or near the Niagara Falls, passing through the townships of Barton, Saltfleet, Grimsby, Clinton, Louth, Grantham, Niagara, Thorold and Stamford including the village of Niagara Falls South and the town of Niagara Falls; and also from some point in the village of Grimsby to some point in the village of Dunnville, passing through the townships of Grimsby, Gainsboro', Moulton and Moncton; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Incorporation.

1. The said John Flett, John Taylor Gilmour, Herbert Hartley Dewart, Albert Romaine Lewis, Peter Ryan, Edward A.

A. C. Pew, Thomas Home, Samuel Clarke Biggs, all of the city of Toronto in the county of York, and the Honorable R. W. Scott, and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Toronto, Hamilton and Niagara Falls Electric Railway Company" hereinafter called the "company."

2. The company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair iron or steel railways to be operated by electricity with single, or double iron or steel tracks, from some point in the city of Toronto, to be selected by the said company, thence to and along what is known as Dundas street to some point in the city of Hamilton, passing from the city of Toronto through the township of York to the village of Islington in the township of Etobicoke, the villages of Dixie, Cooksville and Credit in the township of Toronto, the villages of Trafalgar and Palermo in the township of Trafalgar, the villages of St. Anne's, Nelson, and Burlington, in the township of Nelson, thence across Burlington Beach through the townships of Saltfleet and Barton to some point in the city of Hamilton, or from the village of Nelson aforesaid in the township of Nelson, through the township of East Flamboro' to the city of Hamilton, and also from the said point in the city of Hamilton to some point on the Niagara river, at or near Niagara Falls, passing through the townships of Barton, Saltfleet, Grimsby, Clinton, Louth, Grantham, Niagara, Thorold and Stamford, including the village of Niagara Falls South and the town of Niagara Falls, and also from some point in the village of Grimsby to some point in the village of Dunnville, passing through the townships of Grimsby, Gainsboro' and Moulton and the said railways or any of them or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act 1892*, and any Act or Acts amending the same.

Location of
line.

58 V. c. 38.

58 V. c. 38.

55 V. c. 42.

3. The said company shall, on or before the first day of July, 1896, signify to the Commissioner of Public Works of the Province, Election as location of line.

Province of Ontario, under the hands of the President and Secretary and corporate seal of the said company, whether the said company elects to locate the said line from the villages of Nelson and Burlington in the township of Nelson, thence across Burlington Beach through the townships of Saltfleet and Barton to some point in the city of Hamilton, or whether they elect to construct the said line from the village of Nelson aforesaid, in the township of Nelson, through the township of East Flamboro', to the city of Hamilton, and thereupon the Lieutenant-Governor in Council may direct the said company to proceed with the construction of the said railway according to the location thereof so selected and adopted; provided that nothing in this Act contained shall give authority to the said company to construct a new line of railway across Burlington Beach without the consent by by-law in that behalf of the corporation of the city of Hamilton.

Aid from
municipalities
not to be
granted until
election made.

58 V. c. 38.

4. Until the said company has made its selection as to the location of the said line under the powers conferred by section 2 of this Act, it shall not be lawful for the said company to enter into negotiations with any municipality or portion of any municipality, as provided by *The Electric Railway Act, 1895*, for the granting of aid in constructing the said line of railway according to either of the said locations, nor shall the powers conferred on municipalities or portions of municipalities by the said Act as to granting bonuses or otherwise, be applicable to the said line of railway.

Provisional
directors.

58 V. c. 38.

5. The said John Flett, John Taylor Gilmour, Herbert Hartley Dewart, Albert Romaine Lewis, Peter Ryan, Edward A. C. Pew, Thomas Home, Samuel Clarke Biggs, and the Honorable R. W. Scott shall be and are hereby constituted a board of provisional directors of the company, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act, 1895*, by the shareholders.

Meetings of
provisional
directors.

6. All meetings of the provisional board of directors shall be held at the city of Toronto, in the county of York, or at such other place as shall best suit the interests of the company.

Capital stock.

7. The capital stock of the company shall be \$1,000,000, to be divided into 10,000 shares of \$100 each.

Head office.

8. The head office of the company shall be at the city of Toronto, in the county of York.

9. The board of directors shall consist of seven persons Directors. who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act 1895*. 58 V. c. 38.

10. Subject to the provisions of section 15 of *The Electric Railway Act, 1895*, the company shall have power to enter into any agreement with the Grand Trunk Railway Company of Canada, if lawfully authorized to enter into such an agreement, for the leasing, hiring or use by the company of the lands, tracks or structures of the Grand Trunk Railway Company of Canada, or any portions thereof, on such terms as to compensation and otherwise as may be agreed on; provided that electric power only shall be used in operating any portion of the company's line; but nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario. Agreement with Grand Trunk Railway Co.

11. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act, 1895*, and to deposit the same as required by the sections of the said Electric Railway Act, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said Electric Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Electric Railway Act and the amendments thereof with respect to "plans and surveys." Construction of lines by sections. 58 V. c. 38.

12. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated Incorporation of provisions of Electric Railway Act.

with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments thereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commence-
ment and com-
pletion of line.

13. The railways shall be commenced within two years and completed to the city of Hamilton within four years, and finally completed within five years after the passing of this Act.

CHAPTER 115.

An Act to incorporate The Windsor, Amherstburg and Lake Erie Railway Company.

[Assented to 16th April, 1895.]

WHEREAS, James A. Randall and Edward W. Voigt, of Preamble.
 Detroit, Michigan, Samuel W. Smith, of Pontiac, Michigan, William McGregor, M.P., of the city of Windsor, Thomas Ouellette, of the township of Anderdon, and W. D. Balfour, M.P.P., of the town of Amherstburg, County of Essex, Ontario, have prayed for an Act of incorporation under the name of "The Windsor, Amherstburg and Lake Erie Railway Company" for the purpose of constructing a railway from the city of Windsor to the town of Sandwich, and from thence to the town of Amherstburg, and through said town to what is known as Bar Point on the north shore of Lake Erie, passing through the townships of Sandwich West, Anderdon and Malden, all in the county of Essex; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said James A. Randall, Edward W. Voigt, Samuel W. Smith, William McGregor, Thomas Ouellette and W. D. Balfour, and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Windsor, Amherstburg and Lake Erie Railway Company." Incorporation.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain, and operate an iron or steel railway to be operated by steam from the city of Windsor, to the town of Sandwich and from thence to the town of Amherstburg and through said town to what is known as Bar Point on the north shore of Lake Erie, passing through the townships of Sandwich West, Anderdon and Malden, all in the county of Essex. Location of line.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. The said James A. Randall, Edward W. Voigt, Samuel W. Smith, William McGregor, Thomas Ouellette and W. D. Balfour, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to allot the stock and to receive payments on account of stock subscribed; and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus, or gift made to it, or in aid of the undertaking; and to enter into any agreements respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as under *The Railway Act of Ontario* are vested in other directors. The said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the city of Windsor, in the county of Essex or at such other place as may best suit the interests of the said company.

Rev. Stat.
c. 170

Capital stock.

6. The capital stock of the company hereby incorporated shall be \$300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into three thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates

Rev. Stat.
c. 170.

connected with the works hereby authorized, and the remainder of the said money shall be applied to the making, equipping, completing, and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may by resolution, of which seven days previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

7. No subscription for stock in the capital of the said company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions
for stock
when binding.

8. When, and as soon as shares to the amount of \$150,000 of capital stock in said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of said company, giving at least four weeks' notice of such meeting in the *Ontario Gazette* and once a week in at least one newspaper published in the city of Windsor, and one newspaper published in the town of Amherstburg, of the time, place and purpose of the said meeting.

First election
of directors.

9. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations, and by-laws, as may be deemed expedient, and are not inconsistent with this Act, or *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Number of
directors and
quorum.

Rev. Stat. c. 1
170.

10. The head office of the said company shall be at the said town of Amherstburg, and the general annual meetings of the

Head office
general
annual
meeting.

shareholders

shareholders of the said company shall be held at said place, or in such other place and on such days and at such hours as may be directed by the by-laws of the company. Public notice, however, of such general annual meetings shall be given at least once a week, for four weeks previous thereto, in the *Ontario Gazette*, and once a week in one newspaper published in said city of Windsor, and one newspaper published in the said town of Amherstburg, during the four weeks preceding the week in which such meeting is to be held.

Special general meetings.

11. Special general meetings of the shareholders of the company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Qualifications of directors.

12. No person shall be qualified to be elected a director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the said company upon which all calls have been paid.

Power to construct line in sections.

Rev. Stat. c. 170.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with a map or plan thereof and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may, from time to time, see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

14. The said company is hereby authorized to purchase, ^{Power to} lease or acquire by voluntary donation and to hold for ^{acquire lands} any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended and necessary, or suitable for park or pleasure grounds, not exceeding one hundred acres in any one municipality; and the said company is authorized to improve and lay out such lands as parks or places of public resort, and may make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situated, or any of them in respect thereto, subject however to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by said company are situated, shall by by-law have declared its or their assent to the said company acquiring lands under and for the purpose mentioned in this section; provided that such ^{Proviso.} park or pleasure grounds shall not be open to the public on the Lord's Day to be used for games, picnics, concerts, excursions or other public entertainments; provided also, that the the total acreage of lands acquired by the company for park purposes shall not exceed three hundred acres; and provided, ^{Proviso.} also, that nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company.

15. Aliens, and companies incorporated abroad, as well ^{Rights of} as British subjects and corporations, may be shareholders ^{aliens.} in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

16. Whenever any municipality or portion of a township ^{Issue of} municipality shall grant aid by way of bonus or gift to the ^{debentures,} railway company the debentures therefor, shall, within six months, after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the ^{Proviso.} municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other

trustees,

trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

17. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Windsor, Amherstburg and Lake Erie Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

18. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed.

Agreements with other companies for leasing or hiring rolling stock.

19. It shall be lawful for the directors of the company to enter into an agreement with any company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for the leasing, hiring, or use of any locomotives, engines, carriages, cars, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into any agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, engines, carriages, cars, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway, and the provisions of subsections 20, 21, 22, 23 and 24 of section 9, of *The Railway Act of Ontario*, as amended by chapter 45 of the statutes passed in the 53rd year of the reign of Her Majesty, Queen Victoria, shall apply to all such bonds, and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Bonding powers.

Rev. Stat. c. 170.

21. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section 10 of this Act.

Calls on stock.

22. The said directors or provisional directors may pay or agree to pay, in paid-up stock or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also subject to the sanction of a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Payments in stock or bonds.

23. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company and under the authority of a quorum of the directors shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the presidents vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Negotiable instruments.

Provido.

Conveyances
of land to
company.

24. Conveyances of land to the said company for the purposes of and powers given by this Act, made in the form set forth in the schedule A to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof.

Mortgaging or
pledging
bonds.

25. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Power to pur-
chase whole
lots.

26. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat.,
c. 170.

Acquiring
material for
construction.

27. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the award and tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

Rev. Stat.
c. 170.

28.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to
gravel pits.

Rev. Stat.
c. 170.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.
c. 170.

29. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to
railway.

30. Any municipality through which the railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality, or over which it may have control, which may be required for the right of way, station grounds or other purposes connected with the traffic or running of the railway, and the railway company shall have power to accept gifts of land from any government or any person, or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Gifts of lands.

31. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified rate-payers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect of granting aid by way of bonuses to railways.

Aid from
municipali-
ties.

Submitting
bonus by-laws.

32. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in the manner following namely :—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

55 V. c. 42.

(2) In case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act 1892* and the amendments thereto.

55 V. c. 42.

(3) In case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act 1892* and the amendments thereto, as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or by lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters, as aforesaid.

By-law, what
to contain.

33. Such by-law shall in each instance provide :

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Petition
against aid
from county.

34. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon
any

any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

35. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality. "Minor municipality," meaning of.

36. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit to be made before by-law is submitted.

37. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. Council to pass by-law if assented to by ratepayers.

38. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act. Issue of debentures.

39. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. Council to pass by-law if assented to by ratepayers.

40. The provisions of *The Consolidated Municipal Act 1892*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so Application of provisions of 55 V. c. 42.

passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Councils may extend time for commencement.

41. The councils for all corporations that may grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Councils may extend time for completion.

42. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time.

Extent of aid from municipalities.

43. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided, that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

By-laws granting exemption from taxation.

44. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Transfer of shares.

45. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

46. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Warehouses,
docks, etc.

47. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Payment of
back charges
on goods.

48. The directors of said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds, or in paid-up stock; provided that no such contracts shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Contracts for
construction
and equip-
ment.

Provided.

49. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Incorporation
of provisions
of Rev. Stat.
c. 170.

50. The railway shall be commenced within two years and completed within five years after the passing of this Act.

Commence-
ment and com-
pletion of
line.

SCHEDULE A.

(Section 24.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by The Windsor, Amherstburg and Lake Erie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Windsor, Amherstburg and Lake Erie Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals)
 this day of one thousand eight hundred and
[L.S.]

Signed, sealed and delivered }
 in the presence of }

SCHEDULE B.

(Section 17.)

CHIEF ENGINEER'S CERTIFICATE.

The Windsor, Amherstburg and Lake Erie Railway Company's Office

No.

A.D., 18 .

Engineer's Department.

Certificate to be attached to cheques drawn on The Windsor, Amherstburg and Lake Erie Railway Company's Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer of The Windsor, Amherstburg and Lake Erie Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the township of (or under the agreement dated the day of , 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

CHAPTER 116.

An Act to incorporate The Algoma Dry Dock Company.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS Walter Pearce Douglas, Samuel R. Shipley, Edward V. Douglas, Ernest V. Clergue and John Bogart have by their petition prayed that an Act may be passed to incorporate them under the name of "The Algoma Dry Dock Company" for the purpose of erecting elevators, warehouses, dry docks, piers, wharves, constructing and navigating boats and vessels of every description, and for the other purposes hereinafter mentioned; and whereas the corporation of the town of Sault Ste. Marie has by its petition prayed that the said company should be incorporated with the powers and for the purposes hereinafter set forth; and whereas it is expedient to grant the prayers of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Walter Pearce Douglas, Edward V. Douglas, and Samuel R. Shipley, all of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, bankers, Ernest V. Clergue, manufacturer, and John Bogart, civil engineer, both of the city of New York, in the state of New York, one of the said United States, together with such other persons, firms and corporations as shall become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, with perpetual succession and a common seal by the name of "The Algoma Dry Dock Company."

Powers of company.

2. The said company shall have power:

(1) To construct, utilize and operate on the property of the company, dry docks and marine railways connected therewith, elevators, warehouses, piers, wharves and slips, and to dredge or deepen harbors or basins;

(2) To engage in the business of repairing boats and water-craft of every kind and description;

(3)

(3) For such services and for the use of any of the works of the company the directors may, from time to time, charge such tolls, rates, dues or wharfage as they may think proper ;

(4) Subsidiary to the other purposes of the company, to purchase, construct, sell, lease and dispose of vessels, boats and water-craft of every description, and to operate, navigate and utilize the same in connection with the business of the company ;

(5) To engage in ship building and in the manufacture and sale of any materials or articles which are required or used in ship building or ship furnishing or equipment ;

(6) To engage in the business of warehousemen and forwarders, and to issue warehouse receipts, bills of lading and other documents, and do all other things necessary in connection therewith ;

(7) To purchase, lease or otherwise acquire water or other power, and to generate or lease electrical power, and to use, sell, lease or otherwise dispose of such water-power, or electrical, or other power ;

(8) Subject to the consent of the municipality interested, to construct and operate a tramway from any point on or near the company's works to such other point or points as may be deemed advisable ;

(9) To acquire by lease, purchase or otherwise, all real and personal property of every description, required for the purposes of the company, and to lease, sell and convey the same when no longer required for the purposes of the company ; provided that no real estate not actually occupied or used for any of the said purposes shall be held for a longer period than seven years.

3. The company or its agents, officers, or servants may detain any goods, wares or merchandise, or any vessel, boat or craft until the tolls or charges thereon have been paid, and may sell any vessel or boat for the charges for repairs thereof, when such charges have remained unpaid for the space of thirty days, and in any case where the charges for wharfage or storage, dues on goods, wares or merchandise have remained unpaid for the space of one year, the company, their agents, officers or servants, after giving ten days' notice of sale may, by public auction, sell such goods, wares or merchandise, or such part thereof as may be necessary to pay such dues, and shall return the overplus, if any, to the owner or owners thereof.

Enforcing
payment of
tolls and
charges.

4. The company may purchase the bonds, debentures or stock of any incorporated company now or hereafter incorporated which has, or may have for its object the promotion of any of the objects which The Algoma Dry Dock Company

Purchasing
bonds or stock
of other com-
panies.

is authorized to carry out, or the bonds, debentures or stock of any company which may wholly or in part derive its rights, privileges or franchises from the said The Algoma Dry Dock Company, and may loan money upon the security of such bonds, debentures or stock, at such rate of interest as may be agreed upon.

Application of
Rev. Stat.
c. 156.

5. *The Ontario Joint Stock Companies' General Clauses Act* shall be incorporated with this Act so far as it is applicable, and not inconsistent with or repugnant to any of the provisions hereof.

Company not
subject to 52
V. c. 26.

6. The said company shall not be subject to the provisions of the *Act respecting the Limited Liability of Incorporated Companies*, passed in the 52nd year of Her Majesty's reign, chaptered 26, and the said Act shall not apply to the company.

Provisional
directors.

7. The said Walter Pearce Douglas, Edward V. Douglas, Samuel R. Shipley, Ernest V. Clergue and John Bogart shall be and are hereby constituted a board of provisional directors of the said company, a majority of whom shall be a quorum, and the said provisional directors shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders, and shall have power to open stock books and procure subscriptions of stock for the undertaking, to make calls upon the subscribers, to call a general meeting of the shareholders for the election of directors, and generally to do all such other acts as a board of directors under this Act may lawfully do.

Increasing or
decreasing
number of
directors.

8.—(1) The company may at any time by by-law increase or decrease the number of its directors to any number not exceeding fifteen and not less than three.

(2) No by-law for such purpose shall be valid or acted upon unless it is sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting duly called for considering the by-law, nor until a copy of the by-law has been published in *The Ontario Gazette*, and also in some newspaper published in the said town of Sault Ste. Marie.

Aliens as
shareholders
and directors.

9. Aliens, as well as British subjects, whether residing in Canada or elsewhere, may be shareholders in the said company, and all of such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold office as directors or otherwise in the said company, and in all their affairs shall enjoy the same rights and privileges as shareholders as they could do if British subjects, and it shall not be necessary for any of the directors of the said company to be British subjects.

10. The amount of capital stock of the said company shall be \$1,000,000, divided into 10,000 shares of \$100 each. Capital stock.

11. Sections 18 and 20 to 23, inclusive, of the Revised Statutes of Ontario 1887, chapter 157, shall be incorporated with this Act. Application of
Rev. Stat.
c. 157, ss. 18,
20-23.

12.—(1) The directors of the said company may pass a by-law for creating and issuing any part of the capital stock of the company as preference stock, giving the same such preference and priority, as respects dividends and otherwise over ordinary stock, as may be declared by the by-law. Companies
may issue
preferential
stock.

(2) The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient. Powers to
preference
shareholders.

(3) No such by-law shall have any force or effect whatever until after it has been sanctioned by a vote of three-fourths in value of the shareholders, present in person or by proxy at a general meeting of the company, duly called for considering the same, or sanctioned in writing by the same proportion of the shareholders of the company. Sanction re-
quired as to
preference
shares.

(4) Holders of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of such shareholders, provided, however, that in respect of dividends and otherwise, they shall, as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid. Rights and
liabilities of
holders of
preference
stock.

(5) Nothing in this section shall affect or impair the rights of creditors of the said company. Rights of
creditors
preserved.

13. The provisional directors or the elected directors of the said company may pay or agree to pay, in paid up stock, or in the bonds of the company, such sums as they may deem expedient to engineers and contractors, or for lands or lands covered with water, or for water power, or material, or plant, or machinery required to carry out the purposes of the said company, and also when sanctioned by a vote of the shareholders, at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertakings of the said company, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Certain pay-
ments may be
made in stock
or bonds.

14.—(1) In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the shareholders of the company, then present in person or by proxy Borrowing
powers.

at

at a general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the company, and issue the bonds or debentures or other securities of the company, and may sell the said bonds, debentures or other securities at such prices as may be deemed expedient or necessary, but no such bond, debenture or other security shall be for a less sum than \$100.

Mortgaging
property of
company.

(2) The directors may, under a like sanction, hypothecate, mortgage or pledge the real or personal property of the company to secure any sum or sums appropriated for the purposes thereof.

Securing
bonds by
mortgage.

15. The said company may secure the bonds, debentures or other securities which they are authorized to issue under this Act by a mortgage deed or deeds creating such mortgages, charges and incumbrances upon the property, assets, rents and revenues of the company, present or future or both, which may be described in the said deed.

(a) By any such deed the company may grant to the holders of such bonds, debentures or other securities, or to the trustees named in such deed, all powers, rights and remedies not inconsistent with the laws of this Province, or may restrict the said holders in the exercise of any such power, privilege or remedy (as the case may be); and all the powers, rights and remedies so provided for in such deed shall be valid and binding and available to the said holders or to the said trustees.

Head office.

16. The head office of the company shall be at the town of Sault Ste. Marie in the district of Algoma.

Appointment
of executive
committee to
act for direc-
tors.

17. The directors of the company may at any time pass a by-law authorizing the said directors at any time to appoint an executive committee composed of any two or more of their number, for such purposes and with such powers as may be prescribed by resolution of the directors, and all contracts or obligations entered into by said committee on behalf of the company shall be binding upon the company as fully and effectually as if done by the full board of directors; but no such by-law shall be valid or acted upon unless it is sanctioned by a majority in value of the shareholders present in person or by proxy at a general meeting of the company.

Voting by
proxy at meet-
ings.

18. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the said company.

CHAPTER 117.

An Act respecting The Georgian Bay Ship Canal and Power Aqueduct Company.

[Assented to 16th April, 1895.] •

WHEREAS, The Georgian Bay Ship Canal and Power Aqueduct Company have, by their petition, prayed that an Act may be passed to amend their Act of Incorporation passed in the 57th year of Her Majesty's reign, chaptered 97, so as to extend the time for commencement of the work of construction, to alter and enlarge the borrowing powers of the company, and to more clearly define the powers of the company in other respects, and also to ratify and confirm certain contracts or agreements made between the company and other companies or corporations ; and whereas, it is expedient to grant the prayer of the said petition ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 2 of the said Act passed in the 57th year of Her Majesty's reign, chaptered 97, is repealed and the following substituted therefor :—

57 V. c. 97, s 2, repealed.

2.—(1) The company shall have power under this Act to lay out, construct, equip, maintain and operate from some point on Lake Ontario within the county of York, to some point on the Georgian Bay, a ship canal for the purpose of conveying vessels, barges and other water craft and their passengers and cargoes from the upper lakes to Lake Ontario ; and to lay out, construct, equip, maintain and operate a power aqueduct from some point on Lake Ontario within the county of York, to some point on the Georgian bay or Lake Simcoe, and by the water conveyed by the said aqueduct or the said ship canal to generate or develop electricity or electric energy, and to sell or otherwise dispose thereof for heat, light, power and other purposes, and to supply municipalities and the inhabitants thereof with water for domestic use, fire protection and other purposes upon such terms and conditions as may be

Powers as to construction of ship canal and aqueduct

agreed

agreed upon; and to charge and collect such tolls or rates from all persons, firms and corporations using the said canal or any other works authorized by this Act or the productions of such works as to the said company may seem meet. The said company shall also have power to construct, equip, maintain and operate a branch of the said aqueduct from the said main aqueduct from some point in the township of Vaughan so as to connect with either the river Humber or the river Don, and to extend the same to Lake Ontario, but such branch aqueduct shall not be constructed until the main aqueduct shall have been constructed so as to connect with and convey to the point aforesaid waters from Lake Simcoe or the Georgian Bay.

Consent of city of Toronto when required.

* (2) None of the powers by this section conferred on the said company shall be exercised within the limits of the city of Toronto without the consent of the council thereof in that behalf.

Powers of company.

(3) The company shall have power and authority under this Act:—

Receiving gifts of land.

(a) To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the ship canal or the power aqueduct, or either of them, but the same shall be held and used for the purpose of such grants or donations only.

Purchasing lands.

(b) To purchase, hold and take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the ship canal or the power aqueduct or either of them, and also to alienate, sell or dispose of the same.

Construct necessary works.

(c) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the works authorized by this Act, in pursuance of and according to the meaning and intent of this Act.

57 V. c. 97, s. 4, amended.

2. Section 4 of the said Act is amended by striking out all the words of the said section after the word "municipality" where it occurs in the 15th line thereof.

57 V. c. 97, s. 10, repealed.

3. Section 10 of the said Act is repealed and the following substituted therefor:—

Borrowing powers.

10. In case a by-law authorizing the same is or has been heretofore sanctioned by a vote of not less than two-thirds in value of the shareholders then present, in person or by proxy, at a general meeting duly called for considering the by-law, the directors may borrow from time to time, either in this Province or elsewhere, upon the credit of the company, such sum or sums of money as may be deemed expedient for com-

pleting,

pleting, maintaining and working the said ship canal and power aqueduct or either of them, and at a rate of interest authorized by the laws of Canada, but not exceeding eight per cent. per annum, and may make the bonds, debentures or other securities granted for the sums so borrowed payable either in Canadian currency or in sterling or in the currency of any foreign state or states, and at such place or places within this Province, or without, as may be deemed advisable, and may sell the same at such prices or discount as may be deemed expedient, or be necessary, and may hypothecate, mortgage or pledge the lands, tolls, revenues and other property of the company already acquired or to be acquired for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than \$100. The company may from time to time, for advances of money to be made thereon, hypothecate, mortgage or pledge any bonds which they may, under the powers of this Act, issue for the construction of the said canal and power aqueduct, or either of them, or otherwise. The company shall not have power without the consent of the Lieutenant-Governor in Council to issue bonds, debentures or other securities under this section for a greater amount than double the paid-up capital of the company. The power of issuing bonds, debentures or other securities hereunder shall not be construed as being exhausted by such issue having been made to the authorized limit, but such power may be exercised from time to time upon the bonds, debentures or other securities constituting such issue or re-issue hereunder being withdrawn or paid off and duly cancelled.

4. Section 20 of the said Act is hereby amended by adding at the end thereof the following words:—"Provided always that if by a reasonable diversion of the said highway the public interest will be sufficiently served, the company may, at its own expense, make such diversion in a manner satisfactory to the council of the said municipality, or, in the event of disagreement, to the satisfaction of the Lieutenant-Governor in Council."

57 V. c. 97, s. 20, amended.
Diversion of highways.

5. Section 21 of the said Act is hereby amended by striking out the words "one year" where they occur in the 2nd line thereof, and by inserting in their place the words "two years"; and by striking out the word "five" in the fourth line of the said section and inserting the word "six" in lieu thereof.

57 V. c. 97, s. 21, amended.

6. Section 29 and sub-section 2 of section 34 of *The Consolidated Assessment Act, 1892*, shall apply to this Act and to the company.

Application of 55 V. c. 48, s. 29, and s. 34, s. s. 2.

Securing
dividends on
preferred
stock.

7. The company may, by by-law sanctioned by three-fourths in value of shareholders, secure dividends on all preferred stock issued at the date of the passing of such by-law, or on any portion of preferred stock to be issued, by setting apart the revenues of any aqueduct of the company or branch thereof, subject to the bonded indebtedness of such aqueduct or branch thereof.

Meaning of
the "the com-
pany."

8. Where the words "the company" occur in this Act, or in the said Act of incorporation, they shall mean "The Georgian Bay Ship Canal and Power Aqueduct Company."

CHAPTER 118.

An Act to incorporate The Sault Ste. Marie Pulp and Paper Company.

[Assented to 16th April, 1895.]

WHEREAS Edward V. Douglas, Samuel R. Shipley, Frank S. Lewis, Alfred P. Boller, and Francis H. Clergue have, by their petition, set forth that it is desirable and in the public interest that pulp and paper mills should be built and operated at the town of Sault Ste. Marie and other places in the Province of Ontario, and have prayed that an Act may be passed to incorporate them as a company under the name of "The Sault Ste. Marie Pulp and Paper Company" with the objects purposes and powers hereinafter set forth; and whereas the corporation of the town of Sault Ste. Marie has by its petition prayed that the said company should be incorporated with the powers and for the purposes hereinafter mentioned; and whereas it is expedient to grant the prayers of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Edward V. Douglas, banker, Samuel R. Shipley, banker, and Frank S. Lewis, railway manager, all of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America; Alfred P. Boller, civil engineer, and Francis H. Clergue, mill owner, both of the city of New York in the state of New York, one of the United States of America, together with such other persons, firms, and corporations, as shall become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and, politic with perpetual succession and a common seal by the name of "The Sault Ste. Marie Pulp and Paper Company."

2. The said company shall have power:—

Powers of
company.

(1) To construct, build and operate pulp and paper mills and to engage in the manufacture and sale of pulp and paper at the said town of Sault Ste. Marie and elsewhere in the Province of Ontario.

(2)

(2) To engage in every kind of manufacture in which pulp or any other material used in the manufacture of pulp and paper as aforesaid, may be used as material either solely or in connection with any other material as the directors may deem advisable, and to do all such things as may be necessary or expedient for the purposes of such manufacture at or in the vicinity of the said town of Sault Ste. Marie.

(3) To sell the manufactured products of the company, and to purchase from time to time such goods, wares, or merchandise, as may be necessary for the use and purposes of the company, in connection with any business which they are authorized to carry on under this Act.

(4) To purchase, lease or otherwise acquire water or other power and to generate or lease electrical or other power, and to use, sell, lease or otherwise dispose of such water power or electrical or other power.

(5) To purchase, construct, lease and dispose of wharves, elevators and warehouses and all buildings and machinery necessary for the business of elevating and storing all kinds of merchandise and produce, and to engage in the business of warehousemen and forwarders, within the districts of Algoma and Thunder Bay, in the Province of Ontario, and to issue bills of lading, warehouse receipts and other documents, and to do all things necessary in connection therewith.

(6) To acquire by purchase or otherwise timber of every description, and to acquire and hold timber licenses granted by the Crown.

(7) To acquire by purchase or lease or otherwise real and personal property of every description required for the purposes of the company, and to lease, sell and convey the same when no longer required for the purposes of the company; provided that no real estate not actually occupied or used for such purposes shall be held for a longer period than seven years.

(8) To purchase, construct, charter and navigate steam or sailing vessels and other water craft so far as may be necessary for the business of the company.

(9) Subject to the consent of the municipality interested, to construct and operate a tramway from any point at or near the company's works to such other point or points as may be deemed advisable.

Application of
Rev. Stat.
c. 156.

3. *The Ontario Joint Stock Companies' General Clauses Act* shall be incorporated with this Act so far as it is applicable, and not inconsistent with or repugnant to any of the provisions thereof.

4. The company shall not be subject to the provisions of an *Act Respecting the Limited Liability of Incorporated Companies*, passed in the 52nd year of Her Majesty's Reign, chaptered 26, and the said Act shall not apply to the said company.

52 V. c. 26,
not to apply
to company.

5. The said Edward V. Douglas, Samuel R. Shipley, Frank S. Lewis, Alfred P. Boller, and Francis H. Clergue, shall be, and are hereby constituted a board of provisional directors, a majority of whom shall be a quorum, and the said provisional directors shall hold office as such until other directors shall be appointed, under the provisions of this Act by the shareholders, and shall have power to open stock books, and procure subscriptions for the undertaking, to make calls upon the subscribers, to call a general meeting of the shareholders for the election of directors, and generally to do all such other acts as a board of directors under this Act may lawfully do.

Provisional
directors.

6.—(1) The company may at any time by by-law increase or decrease the number of its directors to any number not exceeding fifteen and not less than three.

Increasing or
decreasing
number of
directors.

(2) No by-law for such purpose shall be valid or acted upon unless it is sanctioned by a vote of not less than two-thirds in value of the shareholders present, in person or by proxy, at a general meeting duly called for considering the by-law, nor until a copy of the by-law has been published in the *Ontario Gazette*, and also in some newspaper published at the said town of Sault Ste. Marie.

7. Aliens, as well as British subjects, whether residing in Canada or elsewhere, may be shareholders in the company and all of such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold office, as directors, or otherwise in the said company; and in all their affairs shall enjoy the same rights and privileges as shareholders as they could do if British subjects, and it shall not be necessary for any of the directors of the said company to be British subjects.

Aliens eligible
as sharehold-
ers and
directors.

8. The amount of capital stock of the said company shall be \$2,000,000, divided into 20,000 shares of \$100 each.

Capital stock.

9. Sections 18 and 20 to 23, inclusive, of the Revised Statutes of Ontario, 1887, chapter 157, shall be incorporated with this Act.

Rev. Stat.
c. 157, s. 18
and 20 to 23
incorporated.

10. The head office of the said company shall be at the town of Sault Ste. Marie, in the district of Algoma.

Head office.

11. The company may purchase the bonds, debentures or stock of any incorporated company now or hereafter incorporated

Purchasing
bonds or stock
in other
companies.

porated which has, or may have for its object the promotion of any of the objects which The Sault Ste. Marie Pulp and Paper Company is authorized to carry out, or the bonds, debentures or stock of any company which may wholly or in part derive its rights, privileges or franchises from the said The Sault Ste. Marie Pulp and Paper Company, and may loan money upon the security of such bonds, debentures or stock at such rate of interest as may be agreed upon.

Borrowing powers.

12.—(1) In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the shareholders of the company, then present in person, or by proxy, at a general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the company, and issue the bonds or debentures or other securities of the company, and may sell the said bonds, debentures or other securities, at such prices as may be deemed expedient or necessary; but no such bond, debenture or other security shall be for a less sum than \$100.

Power to hypothecate property of company.

(2) The directors may, under a like sanction, hypothecate, mortgage or pledge the real or personal property of the company to secure any sum or sums appropriated for the purposes thereof.

Certain payments may be made in stock or bonds

13. The provisional directors or the elected directors of the said company may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for lands or lands covered with water, or for water power or plant or machinery required to carry out the purposes of the said company, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking of the company, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Companies may issue preferential stock.

14.—(1) The directors of the company may pass a by-law for creating and issuing any part of the capital stock of the company as preference stock, giving the same such preference and priority, as respects dividends and otherwise over ordinary stock, as may be declared by the by-law.

Powers to preference shareholders.

(2) The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Sanction required as to preference shares.

(3) No such by-law shall have any force or effect whatever until after it has been sanctioned by a vote of three-fourths in value of the shareholders present, in person or by proxy, at

a general meeting of the company, duly called for considering the same, or sanctioned in writing by the same proportion of the shareholders of the company.

(4) Holders of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of such shareholders, provided, however, that in respect of dividends and otherwise, they shall, as against the original or ordinary shareholders, be entitled to the preference given by law as aforesaid.

Rights and liabilities of holders of preference stock.

(5) Nothing in this section shall affect or impair the rights of creditors of the said company.

Rights of creditors preserved.

15. The said company may secure the bonds, debentures or other securities, which they are authorized to issue under this Act, by a mortgage deed or deeds, creating such mortgages, charges and incumbrances upon the property, assets, rents and revenues of the company, present or future or both, which may be described in such deed.

Securing bonds by mortgage.

(a) By any such deed the company may grant to the holders of such bonds, debentures or other securities, or to the trustees named in such deed, all powers, rights and remedies not inconsistent with the laws of this Province, or may restrict the said holders in the exercise of any such power, privilege or remedy, (as the case may be); and all the powers, rights and remedies so provided for in such deed shall be valid and binding and available to the said holders or to the said trustees.

16. The said company are hereby added as parties to the agreement between the said Francis H. Clergue and E. V. Douglas and the corporation of the town of Sault Ste. Marie, which said agreement is set out in the schedule to the *Act respecting the Town of Sault Ste. Marie, The Ontario and Sault Ste. Marie Water, Light and Power Company, The Lake Superior Power Company, and the Tagona Water and Light Company* passed at the present session, in so far as concerns erection of mills, manufactories and other similar improvements which by the terms of the said agreement are to be erected by the said Francis H. Clergue and E. V. Douglas or their assigns, and the covenant entered into with respect thereto by the said Francis H. Clergue and E. V. Douglas is hereby declared to be valid and binding upon the said company and the said corporation, who are hereby empowered to do all things necessary to effectuate the intentions of the said parties with respect to the said mills, manufactories and other similar improvements as therein expressed.

Company to be parties to agreement between Clergue and Douglas and town of Sault Ste. Marie.

Appointing
executive
committee to
act for direc-
tors.

17. The directors of the company may at any time pass a by-law authorizing the said directors at any time to appoint an executive committee composed of any two or more of their number for such purposes and with such powers as may be prescribed by resolution of the directors, and all contracts or obligations entered into by the said committee on behalf of the company shall be binding upon the company as fully and effectually as if done by the full board of directors, but no such by-law shall be valid or acted upon unless it is sanctioned by a majority in value of the shareholders present in person or by proxy, at a general meeting of the company.

Voting by
proxy at
meetings.

18. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

CHAPTER 119.

An Act respecting the Town of Sault Ste. Marie. The Ontario and Sault Ste. Marie Water, Light, and Power Company, The Lake Superior Power Company and the Tagona Water and Light Company.

[Assented to 16th April, 1895.]

WHEREAS The Sault Ste. Marie Water, Gas, and Light Preamble.
Company was incorporated under the provisions of chapter 164 of the Revised Statutes of Ontario, 1887; and whereas by an Act passed in the 52nd year of Her Majesty's reign, chaptered 88, the name of the said company was changed to The Ontario and Sault Ste. Marie Water, Light, and Power Company; and whereas by an Act passed in the 53rd year of Her Majesty's reign, chaptered 135, by-law No. 157 of the town of Sault Ste. Marie, intituled "A by-law to aid The Ontario and Sault Ste. Marie Water, Light, and Power Company, to provide for subscribing for and taking stock in said company, and to provide for the issue and sale of debentures to the extent of \$105,000 to be paid for the stock so to be subscribed for and taken," was confirmed; and whereas by the said last mentioned Act provision was made for the election of directors of the said company representing the said town upon the board of directors of the said company; and whereas by section 23, chapter 80 being an Act passed in the 57th year of Her Majesty's reign, intituled *An Act to consolidate the debt of the Town of Sault Ste. Marie* the council of the said town of Sault Ste. Marie were authorized, with the consent of the ratepayers of the said town, to sell or dispose of the whole or any part of the stock held by the said corporation in the said "The Ontario and Sault Ste. Marie Water, Light, and Power Company" on such terms and conditions as might be deemed advisable by the said council; and whereas Francis H. Clergue, of the city of New York, in the state of New York, and Edward V. Douglas, of the city of Philadelphia, in the state of Pennsylvania, did by writing bearing date the first day of October, 1894, offer to purchase all the stock subscribed, purchased, or otherwise acquired by the corporation of the said town of Sault Ste. Marie in the said company, consisting of 12,550 shares in the capital stock of the said company, subject to the terms and conditions contained in the said offer for the sum of \$260,000, payable as mentioned therein, the said offer being set forth in full in Schedule A hereto; and whereas by two certain agreements,

agreements, bearing date the third of day October, 1894, the said the corporation of the town of Sault Ste. Marie agreed with the said company for the supply to the said corporation of water and electric light for the respective terms of ten years from the passing of certain by-laws mentioned in the said agreements; and whereas by the said offer, payment of the whole of the said sum of \$260,000 was made conditional upon the said agreements being renewed for a further term of ten years from the expiration of the aforesaid term of ten years in order that the said company should have all the rights, powers, privileges, and franchises conferred by the said agreements for the full term of twenty years from the final passing of the said by-laws, instead of ten years as provided in the said agreements; and whereas the rights, powers, privileges, and franchises conferred upon the said company under the said two agreements for the supply of water and electric light respectively have been duly assigned and transferred to and are now held and enjoyed by the Tagona Water and Light Company, a body corporate duly incorporated under the provisions of chapter 164 of the Revised Statutes of Ontario, 1887; and whereas by by-law No. 324 of the said town, which was duly submitted to and approved by the ratepayers of the said town in accordance with said section 23 of the said Act passed in the 57th year of Her Majesty's reign, chapter 80, the council of the said town were authorized to sell and dispose of all the stock held by the said corporation in the said "The Ontario and Sault Ste. Marie Water, Light, and Power Company;" and whereas the said offer dated the first day of October, 1894, has been duly accepted by the council of the said corporation; and whereas a certain agreement was entered into on the 29th day of December, 1894, between the said Francis H. Clergue and Edward V. Douglas of the first part, the said the corporation of the town of Sault Ste. Marie of the second part, and the said "The Ontario and Sault Ste. Marie Water, Light, and Power Company" of the third part, providing for a mortgage to be given to the said corporation to secure the due payment of a portion of the said sum of \$260,000 as provided in the said offer, upon certain conditions being fulfilled by the said corporation as set forth in the said agreement dated the 29th day of December, 1894, the said agreement being fully set forth in the said schedule A hereto; and whereas by assignment dated the 29th day of December, 1894, the whole of the stock held by the said corporation in the said company as aforesaid was assigned to the said Francis H. Clergue and Edward V. Douglas; and whereas the council of the said town have by by-law No. 322 provided for the exemption from taxation for ten years of the property of the said "The Ontario and Sault Ste. Marie Water, Light, and Power Company," and of other persons and corporations, in accordance with the terms of the said offer; and whereas a certain lease dated the 3rd day of October, 1894, from The Ontario and Sault Ste. Marie Water, Light, and Power Company to the said Francis

H. Clergue

H. Clergue and Edward V. Douglas mentioned in the said offer has now ceased to be of any effect ; and whereas the said Francis H. Clergue and Edward V. Douglas and the corporation of the said town of Sault Ste. Marie, The Ontario and Sault Ste. Marie Water, Light, and Power Company and the said Tagona Water and Light Company have by their petitions prayed that the said agreements, by-laws, resolutions, and proceedings herein mentioned and respecting any of the matters herein mentioned may be confirmed and declared valid and binding upon all the parties thereto or interested therein, and also that an Act may be passed to carry out the intention of the said parties as set forth in the said agreement hereinbefore recited ; and whereas the said The Ontario and Sault Ste. Marie Water, Light, and Power Company has by its petition prayed that its name may be changed to that of "The Lake Superior Power Company," and that its capital stock may be increased from \$400,000 to \$2,000,000, with power to further increase the same, with the consent of the Lieutenant-Governor-in-Council, and for certain other amendments to the charter of the said company and the Acts respecting the said company ; and whereas the corporation of the said town and the Tagona Water and Light Company have by their said petitions prayed that they may be authorized to enter into an agreement for the construction by the said company of a sewerage system for the said corporation, and for the operation of the same for a term of twenty years or any shorter term upon such terms as to annual rental to be paid to the said company therefor, and upon such other terms and conditions as may be agreed upon, including the right to the said town to take over the said system at the end of the said term upon such terms for compensation therefor as may be mutually agreed upon ; and whereas it is expedient to grant the prayers of the said petitions

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. The transfer of the stock held by the corporation of the town of Sault Ste. Marie in The Ontario and Sault Ste. Marie Water, Light and Power Company to the said Francis H. Clergue and Edward V. Douglas, as set out in the preamble to this Act, is confirmed, and it is hereby declared that on the 29th day of December, 1894, the said stock amounting to \$251,000, and consisting of 12,550 shares in the capital stock of the said company was duly vested in and became the absolute property of the said Francis H. Clergue and Edward V. Douglas, subject to such calls as the said stock was liable for in the hands of the said municipal corporation.

Transfer of stock to Messrs. Clergue and Douglas confirmed.

2. The said agreements between The Ontario and Sault Ste. Marie Water, Light and Power Company and the corporation of the town of Sault Ste. Marie, dated the 3rd day of October,

Contracts, agreements and by-laws confirmed.

1894,

1894, for the supply of water and electric light, respectively, set out in schedule A hereto are amended by striking out the word "ten" where it occurs in the said agreements and substituting therefor the word "twenty," and subject to such amendment the several by-laws heretofore passed by the corporation of the town of Sault Ste. Marie respecting the supply of water and electric light to the said municipality by the said The Ontario and Sault Ste. Marie Water, Light and Power Company and their assigns, intituled as in the schedule B hereto, and also the several contracts and agreements heretofore made and entered into between the said Francis H. Clergue and Edward V. Douglas, the corporation of the town of Sault Ste. Marie, The Ontario and Sault Ste. Marie Water, Light and Power Company, and the Tagona Water and Light Company, or any of them respectively, including the agreement contained in the said offer, dated the first day of October, 1894, and the acceptance thereof by the said council, dated the 29th day of December, 1894, and the said two agreements, dated the 3rd day of October, 1894, as amended by the said agreement, dated the 29th day of December, 1894, all of which said contracts and agreements are set out in the schedule A hereto, and the several by-laws and resolutions of the council of the said town of Sault Ste. Marie intituled as in schedule B hereto, are hereby confirmed and declared to be legal and valid and binding on the said corporation of the town, of Sault Ste. Marie, The Ontario and Sault Ste. Marie Water, Light and Power Company, the Tagona Water and Light Company, and the said Francis H. Clergue and Edward V. Douglas, and the ratepayers of the said town of Sault Ste. Marie, and all other persons and corporations interested therein or affected thereby.

Rights and franchises vested in the Tagona Water and Light Company.

3: All the rights, powers, privileges and franchises conferred by the said two agreements, dated the 3rd day of October, 1894, or intended so to be by the said corporation of the town of Sault Ste. Marie upon The Ontario and Sault Ste. Marie Water, Light and Power Company are hereby declared to have been from the 24th day of November, 1894, being the date of the said assignment from the said Francis H. Clergue and Edward V. Douglas to the said Tagona Water and Light Company, and to be now vested in the said Tagona Water and Light Company as fully and effectually as if the said Tagona Water and Light Company were named in the said two agreements as parties thereto in the place and stead of the said The Ontario and Sault Ste. Marie Water, Light and Power Company, and upon and during the fulfillment by the said Tagona Water and Light Company of the terms and conditions, and the performance by the said company of the covenants according to the said two agreements on the part of the said The Ontario and Sault Ste. Marie Water, Light and Power Company to be observed, fulfilled and performed, the said Tagona Water and Light Company shall be and become absolutely entitled to receive

receive from the said town of Sault Ste. Marie the annual sums of \$5,000 respectively, payable under the said two agreements to the said The Ontario and Sault Ste. Marie Water, Light and Power Company, and all other moneys payable thereunder, and shall be entitled to and may exercise such rights, powers, privileges and franchises.

4. The council of the said town of Sault Ste. Marie may, by by-law or by-laws passed from time to time, authorize the mayor and clerk of the said corporation under the corporate seal of the said town, to execute from time to time all such deeds, conveyances, leases, transfers, discharges or mortgages, partial discharges of mortgages, withdrawals of caution, partial withdrawals of caution and all other documents and agreements which may be necessary or proper to enable the corporation of the said town to carry out the terms of the agreements set out in the schedule hereto or incidental to or respecting any of the matters referred to in the said agreements.

By-laws authorizing mayor and clerk to execute instruments to carry out contracts.

5. All the acts done and contracts entered into by the board of directors of the said The Ontario and Sault Ste. Marie Water, Light and Power Company since the transfer of the stock held by the corporation of the town of Sault Ste. Marie as hereinbefore set forth, are hereby confirmed and declared to be legal, valid and binding upon the said company, and all other persons and corporations concerned therein or parties thereto in the same manner and to the same extent as if the said transfer of stock had not been made; and the election of a board of five directors of the said company at a meeting held at the town of Sault Ste. Marie on the 31st day of January, 1895, is hereby confirmed and declared to have been legal, valid and binding to all intents and purposes, and the said board of directors is and shall continue to be until the election of directors after the passing hereof in the manner hereinafter provided, the duly constituted board of directors of the said company, anything contained in any of the Acts mentioned in the preamble to this Act or in any other Act to the contrary notwithstanding.

Board of directors declared to have been duly constituted since transfer of stock.

6. The name of The Ontario and Sault Ste. Marie Water, Light and Power Company is hereby changed to, and the said company shall hereafter be known and designated as "The Lake Superior Power Company," and the said company shall have perpetual succession.

Name of Ontario and Sault Ste. Marie Water, Light and Power Co. changed.

7. The said company, under its name as changed as aforesaid, shall not be deemed to be a new corporation, but it shall continue to exercise all the rights, powers and privileges that prior to the passing of this Act, under the provisions of the said Acts in the preamble of this Act mentioned, or otherwise, have been held, exercised and enjoyed by the company in as full and ample a manner as if the company had continued

Company not to be deemed a new corporation.

continued under its original name, and the several provisions of the said Acts are hereby incorporated in and are to be considered as sections of this Act as if they had been set out at length and enacted as part thereof, subject after the passing of this Act only to the amendments in this Act contained; and all real and personal property, shares or stock, obligations, debts, claims, rights, powers and privileges of the company shall, after the passing of this Act, be held by and vested in the company under the name of "The Lake Superior Power Company"; and all the shareholders of the company shall continue shareholders in all respects as before the change of name aforesaid; but all legal and other proceedings prior to the passing of this Act, begun by or against the company, may be continued under the name or under the style of cause in which they have been begun.

Increasing
capital stock.

8.—(1) The capital stock of the said "The Lake Superior Power Company" is increased from \$400,000 (composed of twenty thousand shares of \$20 each) to \$2,000,000, divided into 20,000 shares of \$100 each, and the directors of the said company may, when authorized by the shareholders thereof, by by-law duly passed at a special general meeting called for that purpose, allot such new stock in such manner as they may deem best in the interest of the company, and may call in and cancel the stock at present held by any person in the said company, and in lieu thereof make an allotment of new stock to the holder of the stock so called in and cancelled of one share of such new stock for every five shares of the stock so called in and cancelled.

(2) Whenever a majority of the directors of the said "The Lake Superior Power Company" are of opinion that the capital stock thereof is insufficient for the purposes of the said company, and consider that it should be increased beyond the said sum of \$2,000,000, they may call a special general meeting of the shareholders of the said company, upon such notice as is herein provided in the case of annual general meetings of the said company, and the majority of shareholders who are present in person, or by proxy, at such special general meeting may pass a by-law for increasing the capital stock of the said company to such amount as they may deem necessary for carrying out the purposes of the company.

(3) At any time after the passing of such by-law, the directors may petition the Lieutenant-Governor that an order in council may be passed, authorizing such increase.

(4) The Lieutenant-Governor may, by order in council, authorize such increase, and notice thereof shall be forthwith given by the Provincial Secretary in the *Ontario Gazette*, and thereupon from the date of the order in council, the capital stock of the company shall be increased to the amount, and in
the

the manner, and subject to the conditions set forth by such by-law, and the whole of the stock as so increased shall become subject to the provisions of this Act in like manner (so far as may be), as though every part thereof formed part of the capital stock of the company, from the date of the passing of this Act.

9. The next annual general meeting of the shareholders of the said The Lake Superior Power Company shall be held within one month after the passing of this Act at the town of Sault Ste. Marie and shall be called by the directors of the said company, giving at least ten days' notice of the time and place of meeting by publication in one or more newspapers published in the said town, or by a circular mailed to the proper post office address of each shareholder at least ten days previous to the time appointed for holding the meeting. Next annual general meeting.

10. The head office of the said The Lake Superior Power Company shall be at the town of Sault Ste. Marie, and subject to the provisions of the next preceding section, the annual general meeting of the shareholders in the said company shall be held at such places and on such days and at such hours as may be directed by the by-laws of the company. Notice of the time and place of holding such meetings shall be inserted not less than ten days previous thereto in a newspaper published in the town of Sault Ste. Marie, or may be given by a circular mailed to the proper post office address of each shareholder at least ten days previous to the time appointed for holding the meeting. Head office, general annual meetings.

11. Special general meetings of the shareholders of the said The Lake Superior Power Company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the case of annual general meetings. Special general meetings.

12.—(1) At the said first annual general meeting the shareholders of the said The Lake Superior Power Company shall elect five persons directors of the said company, provided that the shareholders of the said company may by by-law increase or decrease the number of directors, to not more than fifteen and not less than three, but no by-law for such purpose shall be valid or acted upon unless it is passed by a vote of not less than two-thirds in value of the shareholders present, in person or by proxy, at a special general meeting duly called for that purpose, nor until a copy of the by-law as passed has been certified under the seal of the company to the Provincial Secretary, and has also been published in the *Ontario Gazette*. Election of directors.

(2) At each annual general meeting after the said first annual general meeting the shareholders of the said company shall elect a board of directors as provided by the by-laws of the company.

Issuing bonds
or debentures.

13.—(1) Notwithstanding anything contained in any general or special Act relating to the said The Lake Superior Power Company, in case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the shareholders of the company then present in person or by proxy, at a special general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the company and issue the bonds, debentures or other securities of the company and may sell the said bonds, debentures or other securities at such prices as may be deemed expedient or be necessary; but no bond or debenture shall be for a sum less than \$100.

(2) The said The Lake Superior Power Company shall have power to issue bonds or debentures under this section to the amount of double the paid up capital of the said company, and to issue bonds or debentures beyond such amount upon obtaining the consent of the Lieutenant-Governor in Council, and no director of the company shall be liable to the creditors thereof by reason of the indebtedness of the company at any time exceeding the amount of its capital stock, notwithstanding anything contained in chapter 164 of the Revised Statutes of Ontario, 1887.

(3) The directors of the said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may, under the powers of this Act, issue for the purposes of the said company.

Purchasing
stock or bonds
in other com-
panies.

14. The said The Lake Superior Power Company may purchase the bonds, debentures or stock of any company now or hereafter incorporated which has or may have for its object the promotion of any of the objects which the said The Lake Superior Power Company is authorized to carry out, or the bonds, debentures or stock of any company which may wholly or in part derive its rights, privileges or franchises from the said The Lake Superior Power Company, and may loan money upon the security of such bonds, debentures or stock at such rate of interest as may be agreed upon.

Manufacture
and sale of
goods, etc.

15. The said The Lake Superior Power Company in addition to the other powers conferred by this or any other special or general Act relating to the said company, may for the purpose of utilizing to the best advantage their water or electrical power engage in the manufacture and sale of any kind of goods, wares, merchandise, produce and products whatsoever.

16. Section 14 of the Act passed in the 52nd year of Her Majesty's reign, chaptered 88, and sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 24, 25 and 26 of the Act passed in the 53rd year of Her Majesty's reign and chaptered 135, and section 6 of the Act passed in the 56th year of Her Majesty's reign, chaptered 6, and all other sections of any Act or parts of Acts inconsistent with the provisions of this Act are repealed.

52 V. c. 88, s. 14;
53 V. c. 135,
s.s. 6-15, 17-19,
24-26; 56 V. c.
6, s. 6, and
inconsistent
enactments
repealed.

17. The incorporation of the said Tagona Water and Light Company on the 9th day of October, 1894, is confirmed and declared to be legal and valid, and the said company is declared to be a body corporate and politic, duly incorporated under the provisions of the Act, chapter 164, of the Revised Statutes of Ontario, 1887, with power, in addition to all other powers, privileges and franchises conferred by the said Act and the amendments thereto, to supply the said town of Sault Ste. Marie, and the inhabitants thereof, with gas, electricity, or other means of lighting or heating, and with water for fire protection, street watering and domestic and commercial purposes, and all other purposes whatsoever, and also to exercise the other powers by this Act conferred upon it.

Incorporation
of Tagona
Water and
Light Com-
pany confirm-
ed.

18. The board of directors of the Tagona Water and Light Company, as constituted from the date of the incorporation of the said company, and consisting of five persons, is declared to have been and to be the duly constituted board of directors of the said company, and the acts done and resolutions passed by the said board of directors so far as the same are not contrary to the provisions of the said Act, chapter 164, of the Revised Statutes of Ontario, 1887, or this Act, are hereby declared to be legal and valid and binding upon the said company.


Board of
directors of
Tagona Water
and Light
Company.

19. Notwithstanding anything contained in the Act, chapter 164 of the Revised Statutes of Ontario, or any other Act, the said Tagona Water and Light Company may, by by-law, increase or decrease the number of directors of the said company to not more than fifteen and not less than three, but no by-law for such purpose shall be valid or be acted upon unless it is sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy, at a special general meeting duly called for the purpose of considering said by-law, nor until a copy of such by-law, certified under the seal of the company, has been deposited in the office of the Provincial Secretary, and has also been published in the *Ontario Gazette*.

Power to
increase or
decrease the
number of
directors.

20. The council of the said town of Sault Ste. Marie may, by by-law duly passed for that purpose, and without obtaining the assent of the ratepayers of the said town thereto, provide for entering into an agreement with the said "Tagona

Agreement
between the
town of Saul
Ste. Marie
and Tagona
Water and

Light Com-
pany for con-
struction of
sewerage  system.


Water and Light Company," for the construction, maintenance and operation by the said company of a system of sewerage and drainage in and for the said municipality for the term of twenty years from the date of such agreement, or for any shorter term, and for any renewal or renewals thereof upon such terms as to rental to be paid to the said company therefor, and as to the taking over of the said system and works, by the said municipal corporation at the expiration of the term fixed by the said agreement, or by any renewal or renewals thereof, and the maintenance and operation of the said system thereafter by the said municipal corporation, and upon such other terms and conditions as may be agreed upon, and the said company is hereby authorized and empowered to carry out the terms of such agreement, and to construct, maintain and operate such system of sewerage and drainage and to do all acts, and to enter into all contracts necessary therefor or incidental thereto, in the same manner and to the same extent as the said municipal corporation might have done under the powers conferred by *The Consolidated Municipal Act 1892* and the amendments thereto.

55 V. c. 42.

Agreements
with municipi-
palities.

21. The said Tagona Water and Light Company on the one part, and any municipal or other public corporation or body, on the other, may enter into and carry into effect any contract or agreement for any term not more than twenty years, for and with respect to the supply to such corporation or body, or the inhabitants or members thereof, of gas, electricity or other means of lighting and heating, or water, or water power or electric or other motive power, and any fittings required therefor.

Shareholders
not liable
beyond
amount of
their stock.

22. The shareholders of the said The Lake Superior Power Company and of the Tagona Water and Light Company shall not as such be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the said companies or either of them, beyond the unpaid amount of their respective shares in the capital stock thereof. 

Companies
may issue
preferential
stock.

23.—(1) The directors of either of the said companies may pass a by-law for creating and issuing or declaring any part of the capital stock of the company as preference stock, giving the same such preference and priority, as respects dividends and otherwise over ordinary stock, as may be declared by the by-law

Powers of
preference
shareholders.

(2) The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

(3) No such by-law shall have any force or effect whatever until after it has been sanctioned by the vote of three-fourths in value of the shareholders, present in person or by proxy at a special general meeting of the company, duly called for considering the same, or sanctioned in writing by the same proportion of the shareholders of the company.

Sanction required as to preference shares.

(4) Holders of such preference stock shall be shareholders within the meaning of this Act and any other Act relating to either of the said companies, and shall in all respects possess the rights and be subject to the liabilities of such shareholders, provided, however, that in respect of dividends and otherwise, they shall as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

Rights and liabilities of holders of preference stock.

(5) Nothing in this section shall affect or impair the rights of creditors of either of the said companies.

Rights of creditors preserved.

24. The said The Lake Superior Power Company may construct, purchase, own, lease or hire wharves, elevators and warehouses and all buildings and machinery necessary for the business of elevating and storing all kinds of goods; wares, merchandise, produce and products, and may purchase and sell such goods, wares, merchandise, produce and products on commission or otherwise, and may engage in the business of wharfingers, warehousemen and forwarders, and may issue warehouse receipts and bills of lading or other documents, and do all things necessary in connection therewith.

Elevators and warehouses.

25. The said The Lake Superior Power Company and Tagona Water and Light Company, or either of them, may secure the bonds, debentures or other securities which they are respectively authorized to issue under this Act or under the said Act, chapter 164 of the Revised Statutes of Ontario 1887, by a mortgage deed or deeds, creating such mortgages, charges and incumbrances upon the whole or any part of such property, assets, rents and revenues of the company, present or future or both, which may be described in the said deed.

Securing bonds by mortgage.

(a) By any such deed the company may grant to the holders of such bonds, debentures or other securities, or to the trustees named in such deed, all powers, rights and remedies not inconsistent with the laws of this Province, or may restrict the said holders in the exercise of any such power, privilege or remedy, (as the case may be); and all the powers, rights and remedies so provided for in such deed shall be valid and binding and available to the said holders or to the said trustees.

26. The said companies severally shall have power to acquire by lease lands, lands covered with water, water power, buildings and machinery, together with all the rights, powers, privileges

Acquiring lands and water power by lease.

privileges and franchises connected or enjoyed with, or incidental thereto, and to lease the same or any part thereof, and the said companies are hereby declared to have possessed the said powers from the respective dates of their incorporation.

Making certain payments in paid up stock or bonds.

27. The directors of either of the said companies may pay or agree to pay in paid up stock or in the bonds of such company such sums as they may deem expedient to engineers or contractors, or for lands or lands covered with water, or for water power, plant, machinery, or any personal property required to carry out the purposes of such company, and also when sanctioned by a vote of the shareholders at any special general meeting, for the service of the promoters of the undertakings of the company, and also of other persons who may be employed by the directors in furthering the undertakings of the company, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Appointing executive committee of directors.

28. The shareholders of either of the said companies may at any time pass a by-law authorizing the directors of such company at any time to appoint an executive committee composed of any two or more of their number for such purposes, and with such powers as may be prescribed by resolution of the directors, and all contracts and obligations entered into by the said committee on behalf of the company shall be binding upon the company as fully and effectually as if done by the full board of directors.

Voting by proxy at meetings.

29. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

SCHEDULE A.

(Section 2.)

NEW YORK, N. Y., 1st October, 1894.

To the Corporation of the Town of Sault Ste. Marie:

We hereby offer for ourselves and assigns to purchase from you all the stock subscribed, purchased or otherwise acquired by you in The Ontario and Sault Ste. Marie Water, Light and Power Company, subject to the undermentioned conditions at and for the price or sum of two hundred and sixty thousand dollars of lawful money of Canada, to be payable as herein after mentioned, namely, the moneys owing on and under the mortgage

mortgage or mortgages against the lands of the said company to be paid by us direct to the respective mortgagees under said mortgages as soon as the same may become due under the terms of the said mortgages. The balance of the said purchase money is to be payable by us upon the days and times upon which and in the manner in which you are required to pay and provide for the payment of \$228,000 of the debentures of the said town of Sault Ste. Marie, issued or to be issued under the authority of *The Sault Ste. Marie Debenture Act 1894*, and also the debentures issued or to be issued by you in favor of the Government of Ontario under and by virtue of the Act of the Legislature of Ontario passed in the 56th year of Her Majesty's reign and chaptered 6, which latter debentures are to be given by said town in payment of the lands of said company purchased by them from said Government of Ontario, and the principal sum payable under which is in all to amount to \$25,572.50, which said consolidated debentures and debentures in favor of the said Government are from and after the date of delivery to us of your *said* stock to be assumed and paid off by us or our assigns according to the respective exigencies thereof, including the payment of all interest in full due thereunder (the first payment of interest, however, to be apportioned from the date of delivery of said stock.) The moneys already paid by you for sinking funds on account of the water power debentures, amounting to \$6,362.49, are to be repaid by us to you as soon as the said mortgages shall have been paid off as aforesaid. In case the said mortgages, however, together with the sum of \$253,572.50, and the sinking fund payment above mentioned, exceed the sum of \$260,000.00 hereby offered for your stock as aforesaid, the excess is to be paid to us by you before we are to be bound to pay off said mortgages.

To secure the payment by us of the said debentures in the manner aforesaid, we agree to give you as soon as all of our nominees for that purpose have been duly elected to the directorate of the company, a first mortgage upon the property, assets, franchises and credits of the said company, as well as those now in existence as those to be hereafter owned by it, to be a first charge thereon, to secure payment by us or our assigns of the said debentures and interest thereon at the times, and in the manner aforesaid, or at your option give you instead of said mortgage, bonds of the said company in double the amount of said debentures to secure due payment thereof with all payments falling due thereunder as aforesaid, you to procure from the Governments of Canada and Ontario grants to the company free of all charges and of all encumbrances whatsoever of the lands and land covered with water to be granted or intended to be granted to the company by said respective Governments. The mortgage or bonds to be given by the company as aforesaid shall not be assignable and shall each contain a statement to that effect upon the face thereof. In case you take the company's mortgage for the purpose of

security

security as aforesaid, the company, its successors and assigns, are at all times to be entitled to a release of any portion or portions of their property from said mortgage upon depositing with the accountant of the Supreme Court of Judicature for Ontario or the Trusts Corporation of Ontario as trustees for the corporation, other security of a kind which in case of disagreement shall be settled by a judge of the High Court of Justice.

If our offer be accepted we agree that the company, its successors and assigns shall undertake, execute, carry out and fully perform or cause to be performed contracts with the said corporation of which the terms, covenants and conditions are respectively set forth in the documents hereto annexed and marked A and B, and we will further agree and do hereby covenant and agree in case this offer be accepted within the time limited therefor that before the 31st day of December, A.D. 1895, we will for and on behalf of said company, its successors and assigns, expend at least two hundred thousand dollars in the erection of mills, manufactories, and other permanent improvements in the town of Sault Ste. Marie (in addition to the waterworks and electric light systems to be constructed by the company, its successors and assigns, according to the terms of the said documents A and B), and will before the 31st day of December, A.D. 1897, expend for and on behalf of said company, its successors and assigns, in the erection of mills, manufactories and other permanent improvements in said town, at least five hundred thousand dollars, inclusive of the said sum of \$200,000, to be expended in the first of said three years. Mills, manufactories and the other improvements above named which may be erected or made in said town by any companies which may be incorporated by or through us to be taken as part of the improvements to be made by us as aforesaid.

This offer is made upon the express condition that the said company, their successors and assigns, are to have for the period of ten years from the time of passing such by-law as may be necessary for that purpose exemption from taxation in said town of all their plant and works and the lands on which the same are situate or used in connection therewith, said plant and works including the said waterworks and electric light systems wherever situate in said town, and also that all mills, manufactories and other similar improvements erected or made upon the property of said company, their successors or assigns, shall during the same period of time be likewise exempt from taxation in said town, whether the same shall be erected or owned by the said company, their successors or assigns, or by any other company, person, or firm or persons, it being the intention of this offer that all mills, manufactories and other improvements by whomsoever made, to be erected or made upon the property of said company, their successors or assigns, shall be exempt from taxation as aforesaid, (buildings, how-

ever

ever, which are used as dwellings or for the sale of merchandise to be liable to taxation while so used or intended to be so used).

And this offer is made subject to the further express condition that as soon as this offer is accepted and before any money is to be paid by us as aforesaid, each and all of the then directors of the company shall for the purpose of electing our several nominees therefor to the directorate of said company, in all respects obey our requests and directions as to the time and manner of the resignation of each of them from said directorate, each of said directors to resign therefrom at such time and in such manner as we may request him to do, and to assist in procuring the election to said directorate of all our nominees therefor as soon as requested by us to do so, and in the manner to be prescribed by us.

The council of your town for the time being are to procure the passage at as early a date as may be convenient therefor of all by-laws necessary for the carrying into effect of the contracts and agreements herein referred to, and said contracts are to be executed by the corporation at the same time as they are executed by the company.

It is our desire, intention and expectation in making this offer that the company and its assigns shall have granted to it by the corporation at the expiration of the term of ten years mentioned in said documents A and B as the time during which the rights and franchises therein set forth shall be held, owned and enjoyed by the company, the same rights and franchises to be held, owned and enjoyed by the company, its successors and assigns for the further period of ten years from the expiration of the said first period of ten years, and that on or before the expiration of the said first period of ten years, agreements shall be executed by the corporation, conferring upon the company, its successors and assigns, the same rights and franchises for the next ensuing ten years as it is to hold and enjoy for the said first period of ten years as provided in said documents A and B; and it is therefore expressly provided that if at the expiration of the said period of ten years, during which the said company and its assigns are to have the rights and franchises mentioned and set forth in said documents A and B, the said corporation do after being requested in writing so to do, enter into and execute with the company, their successors and assigns, agreements conferring upon the company, their successors and assigns, the same exclusive rights and franchises for the ten years then next ensuing as are mentioned and set forth in said documents A and B, and containing similar terms, covenants and conditions to those set forth in said documents A and B so that the company, its successors and assigns would then in all, including the said first period of ten years, have for twenty successive years exclusively the rights and franchises mentioned and set forth in the said documents A and B, then,

notwithstanding

notwithstanding anything to the contrary hereinbefore mentioned, we, our heirs and assigns and the said company, its successors and assigns, are thereupon to be released and will be thereby released from paying in any manner whatsoever one hundred and fifty thousand dollars of said purchase money for your said stock either to you direct or by paying your debentures as aforesaid, the debentures to the extent of said sums of \$150,000, which in such case are not to be paid to be designated by the company, its successors and assigns. And this offer is made on the further condition that the council of the said corporation for the time being shall, when requested by the company or their assigns so to do, consent to and by resolutions or otherwise as may be deemed advisable by the company or their assigns, assist the company or their assigns in procuring legislation from the Government of Ontario, authorizing the said company and their assigns and corporation to enter into agreements with each other upon terms similar to those mentioned and set forth in said documents A and B for the term of twenty years from the final passing of the by-law therein mentioned, instead of ten years as therein mentioned, and that upon such legislation being obtained the said corporation will upon the request of the company or their assigns enter into with the company and their assigns the agreements which by such legislation they are authorized to enter into, and the corporation will also upon the request of the company or their assigns by resolution or otherwise as may be deemed advisable by the company or their assigns assist the company and their assigns to procure such other legislation as the company or their assigns may deem desirable or necessary in order to fully and effectually carry out the intention and purposes of and to make in all respects valid the agreements between the corporation and the company, their successors and assigns.

It is also to be understood and agreed by the acceptance of this offer that if at the expiration of the term of twenty years above mentioned, or of any subsequent term of twenty years the corporation or its successors or assigns agreements similar in terms to those to be entered into for first period of ten years as hereinbefore mentioned and securing to them the same rights and franchises as are therein mentioned to be held, owned and enjoyed by them for the further term of ten years (and in case they are empowered so to do the further term to be twenty years), or in case the corporation shall not grant such renewal to the company, its successors and assigns at the expiration of the period of ten years firstly above mentioned or of any other term during which the company, its successors and assigns may enjoy the rights and franchises mentioned in said documents A and B, then and in either of such cases the corporation or its successors shall, upon the request of the company, its successors or assigns, purchase from the company, its successors or assigns the water works and electric light

systems

systems which the company, its successors or assigns shall then own in the said town, to be paid for at a valuation to be arrived at in the manner provided by sections 98 and 99 of chapter 164 of the Revised Statutes of Ontario, 1887, for matters to which those sections refer.

We also agree that after the corporation shall have purchased and paid for the whole water works and electric light systems as above provided the said corporation shall at all times thereafter have the right to be supplied by the company, its successors and assigns with water power sufficient to run said systems for the purposes only of the corporation including domestic service upon such terms as to compensation therefor as in case of disagreement may be settled by arbitration. Each party in case of an arbitration is to appoint an arbitrator in writing and the said two arbitrators are to appoint a third, and the award in writing of a majority of said arbitrators shall be binding and final, and in case either party after seven days' written notice by the other to appoint an arbitrator shall neglect or decline to do so, then a judge of the district of Algoma may appoint an arbitrator for the party in default. In determining the compensation to be paid for said water power by the corporation the arbitrators shall take into consideration and give effect to the value of the water power and electric light systems which the corporation shall take over from the company, its successors or assigns and the income derived therefrom.

This offer is made upon the further condition that before the fourth day of October, 1894, the said company shall duly execute the lease hereto annexed and procure the fulfillment of the conditions mentioned in paragraph 1 thereof and that you will also at as early a date as may be convenient therefor pass a by-law providing for the exemption from taxation therein referred to.

This offer is to remain open for acceptance for forty days from the date thereof.

Witness:

(Sgd.)

N. SIMPSON.

Sgd.)

FRANCIS H. CLERGUE.

[Seal].

(Sgd.)

E. V. DOUGLAS.

[Seal].

[NOTE: The documents "A" and "B," and the lease mentioned in the above offer as annexed thereto and which formed part thereof are not printed, as two agreements containing respectively the same terms as those contained in said documents. "A" and "B" were duly executed as provided by said offer, which agreements are next hereafter printed in full, and the said lease was determined on the 29th day of December, 1894, upon the transfer of the above mentioned stock to Francis H. Clergue and Edward V. Douglas.]

This

This agreement made in duplicate this third day of October, in the year of our Lord one thousand eight hundred and ninety-four, between The Ontario and Sault Ste Marie Water Light and Power Company, hereinafter called the company, of the first part, and the corporation of the Town of Sault Ste Marie, hereinafter called the corporation, of the second part.

Whereas the said corporation has passed a by-law authorizing the said company, its successors and assigns to construct waterworks and to supply water to the said corporation for fire, domestic and other purposes;

And whereas the said company for itself, its successors and assigns has agreed to construct waterworks and supply said corporation with water for fire, domestic and other purposes.

Now this indenture witnesseth, that the said company, the parties hereto of the first part, for the consideration hereinafter mentioned, on behalf of themselves, their successors and assigns, covenant with the said corporation, the parties hereto of the second part, and their successors, to lay down four miles of piping on such streets, alleys, lanes, squares or public places of the corporation of the town of Sault Ste Marie as the council of the said corporation may direct, of sufficient strength and capacity to ensure a pressure of eighty pounds to the square inch and a supply of one hundred and sixty cubic feet of water per minute at the hydrants on Queen street and the area south of Queen street to the St. Mary River in said town, said piping to be laid down upon such streets as may be designated for that purpose by resolution of the council of the said corporation, provided always that no such resolution shall increase the mileage of piping herein contracted for except where an extension is required under the terms of this agreement upon a profit of ten per cent. of the cost of such extension being shown as hereinafter provided, the upper surface of the pipes to be laid not less than five feet beneath the surface of the ground.

2. That the said company or their assigns shall fill up all excavations made in laying down the pipes as expeditiously as possible, care to be taken as far as may be practicable to preserve a free and uninterrupted passage through the said streets while the works are in progress, and the said streets in which excavations are made are to be repaired and left in as good a condition as they were in before the excavation, said repairs to be made within a reasonable time.

3. That the said company or their assigns shall commence the construction of the said works on or before the 15th day of October, A.D 1894, and complete the construction thereof on or before the 1st day of October, A.D. 1895.

4. That the said company, their successors or assigns, shall not charge more than the rates mentioned in the schedule hereto annexed.

5. That the said company, their successors or assigns, shall extend the pipes upon any street or streets (whether pipes shall have been previously laid thereon or not) when desired so to do by the resolution of the council of the said corporation, when a profit of ten per cent. on cost of extension can be shown, provided, however, that the council of the said corporation shall before laying or allowing any pipe or pipes for water service to be laid down on any of the streets of the town serve the company with one month's notice in writing, setting forth the extension desired, provided always that the company shall not be required to extend their system except between the fifteenth day of May and the first day of November in each year.

6. That the said company, their successors or assigns, shall during the term of ten years hereinafter mentioned, furnish the said corporation free of charge with sufficient water to supply two drinking fountains during the summer months, said fountains to be located anywhere within the said town the council of the said corporation may direct, the cost of connecting main pipe of company with the said fountain taps to be borne by said corporation. The said company, their successors and assigns, shall also furnish the said corporation free of charge during the whole of said term of ten years with sufficient water to sprinkle the streets and flush the sewers of the said corporation, and shall also supply the public buildings and schools of the said corporation with water free of charge, the cost of connecting the main pipe of the company, their successors or assigns, with the taps in said buildings and schools to be borne by said corporation, and sewers to be flushed by a method to be approved by, and under the supervision and control of, the company's engineer.

7. That the said company, their successors or assigns, will supply and lay down at net actual cost of material and labor the pipes for all water takers requiring water, pipes connecting with their main pipes.

8. That the said company, their successors or assigns, shall, in case any damage or loss shall at any time happen or be caused through the negligence or gross neglect of the said company, their successors or assigns, or any of its or their workmen or employees, whether such loss or damage happened to or be suffered by the corporation or any other person or persons, be liable to pay on demand all such damage as may happen or be suffered as aforesaid.

9. And it is hereby provided that the said company, their successors and assigns, shall supply consumers in the said corporation whose properties are within a reasonable distance of the mains or pipes of the said company, their successors and assigns, with water taken from the St. Mary river above the rapids, and that such water shall always be subject to inspection by the council of the said corporation or the board of health for said corporation.

10. The said company, their successors and assigns, shall be liable for damages for the breach of any of the provisions of this agreement.

11. The said company, for itself, its successors and assigns, hereby binds itself to pay the said corporation the sum of fifty dollars per day for each and every day which may ensue or elapse after the first day of October, A.D. 1895, on which any part of the said works may be unfinished or incomplete and which may be recovered as liquidated or ascertained damages against the said company, its successors and assigns, on demand.

12. The said company, for itself, its successors and assigns, covenants and agrees that for and during the term of ten years from the final passing of the by-law hereinbefore mentioned, they will maintain their system of water works in good and efficient order, and will supply water to the said corporation, and to all persons therein desiring same, at all times, the rates to be charged therefor not to exceed those mentioned in the schedule hereto attached.

13. In consideration whereof the said corporation hereby covenants and agrees to confer exclusively upon the said company, its successors and assigns, without further compensation therefor, all the powers, privileges and immunities necessary to acquire lands and water and water privileges necessary for the construction, establishment, maintenance and management of the said company's waterworks, and also to confer upon said company, its successors and assigns, the exclusive right to lay down pipes and conduits and to carry the same along, across, through and under any of the streets, alleys, lanes or squares, or public places of the said corporation, and to exercise within the said corporation all the powers and privileges which may be conferred upon gas and water companies under the provisions of chapter 164 of the Revised Statutes of Ontario, 1887, and the Acts of the Legislature of the Province of Ontario, respecting the said company, the parties hereto of the first part.

14. And the said corporation hereby covenants to pay the said company, its successors and assigns, the sum of fifty dollars per annum each for one hundred hydrants, and the sum of fifty dollars per annum for each additional hydrant the said corporation may require, payable quarterly, for the term of ten years from the final passing of the by-law hereinbefore mentioned, the said quarterly payments to be calculated from the time the hydrants are ready for use.

In witness whereof the corporation of the said town by its mayor and clerk and the said company by its president and secretary have executed these presents and have respectively attached their corporate seals.

(Sgd.) R. M. VANNORMAN,
President.

(Sgd.) R. H. CARNEY, [Company's
Acting Secretary. Seal]

(Sgd.) JAMES BASSINGTHWAIGHTE,
Secretary.

(Sgd.) W. H. PLUMMER,
Mayor.

(Sgd.) R. H. CARNEY, [Town
Acting Clerk. Seal.]

(Sgd.) JAMES BASSINGTHWAIGHTE,
Clerk.

SCHEDULE OF WATER RATES REFERRED TO IN THE ANNEXED AGREEMENT.

				Consolidated
				rate.
Dwellings of	1 room	\$ 5 00	per year	.....
"	2 "	6 00	"	.....
"	3 "	8 00	"	.....
"	4 "	10 00	"	.....
"	5 "	10 00	"	\$16 00
"	6 "	13 00	"	20 00
"	7 "	16 00	"	24 00
"	8 "	20 00	"	28 00
"	9 "	22 00	"	31 00
"	10 "	24 00	"	35 00
"	11 "	26 00	"	38 00
"	12 "	29 00	"	41 00
"	13 "	31 00	"	44 00
"	14 "	34 00	"	47 00
"	15 "	36 00	"	49 00
"	16 "	39 00	"	51 00
For each room over	16.....	2 00	"	2 00

The

The consolidated rate includes one water-closet, one bath and one wash-basin, with tap and sink.

Extras, if consolidated rate is not paid: Baths, each, \$5.00; water-closets, each, \$6.00; wash-basins, each, \$4.00; said baths, water-closets and wash-basins being only those in dwellings.

Other rates to be by special contract.

(Sgd.) W. H. PLUMMER,
Mayor.

(Sgd.) R. H. CARNEY,
Acting Clerk.

(Sgd.) JAMES BASSINGTHWAIGHTE,
Clerk.

(Sgd.) R. M. VANNORMAN,
President.

This agreement, made in duplicate this third day of October in the year of our Lord one thousand eight hundred and ninety-four, between The Ontario and Sault Ste. Marie Water, Light and Power Company, hereinafter called the company, of the first part, and The corporation of the Town of Sault Ste. Marie, hereinafter called the corporation, of the second part.

Whereas, the said corporation has passed a by-law authorizing the said company its successors and assigns to construct electric light works for the purpose of lighting the streets and other public places of the town of Sault Ste. Marie and supplying the said town with electric light;

And whereas the said company for itself, its successors and assigns has agreed to construct said electric light works for the purpose aforesaid.

Now this indenture witnesseth that the said company the parties hereto of the first part for the consideration hereinafter mentioned for itself, its successors and assigns, covenants with the corporation the party hereto of the second part and its successors to furnish and supply to the said corporation and its successors, fifty arc lights and one hundred and fifty incandescent electric lights or more as may be required by the

said

said corporation for street lighting purposes and for the lighting of public parks, buildings, squares and other public places in the said town of Sault Ste. Marie, for and during the term of ten years from the final passing of the by-law hereinbefore mentioned, upon the terms and conditions hereinafter mentioned, as follows :

1. That the electric light and other apparatus so to be supplied by the said company, its successors and assigns shall be of the best quality and that the said company its successors and assigns shall and will on each and every night for and during the said term of ten years cause the said electric lights to be lighted and kept burning every night from the time it becomes dark until daylight of the following morning.

2. The said company its successors and assigns is to erect poles, string wires and conductors and maintain in good efficient order said poles, wires and conductors, and said arc lights are to be of not less than one thousand candle power each, and the said incandescent lights are to be of not less than thirty candle power each.

3. The said company its successors and assigns shall place the said electric lights at such points or places along the streets, lanes or highways of the said corporation as the council of the said corporation may direct, and when and where the said council shall require the same.

4. The said company its successors and assigns shall fill up as expeditiously as possible all excavations made on the streets for the erection of poles, care being taken as far as may be possible to preserve a free and uninterrupted passage through the said streets while the works are in progress and the streets in which excavations are made are to be repaired and left in as good a condition as they were in before the excavation, said repairs to be made within a reasonable time.

5. The said company its successors and assigns is to have the said electric light system completed and to furnish said lights on or before the first day of July, A.D. 1895.

6. The said company its successors and assigns shall be liable for damages for breach of any of the provisions of this agreement, but in case of a default in respect of lights the amount of damages is to be estimated by adopting as the value of each arc light seventy dollars per annum and of each incandescent light ten dollars per annum.

7. The said company, its successors and assigns, shall pay the said corporation a penalty of fifty dollars per day for each and every day which may ensue or elapse after the said first day of July, A.D. 1895, during or on which any part of the said works may be unfinished or incomplete, which may be recovered from the said company, its successors or assigns as liquidated or ascertained damages on demand, and in case any damage or loss shall at any time happen or be caused through or by the negligence or gross neglect of the company, its successors or assigns, or any of its or their workmen or

employees,

employees, the said company, its successors or assigns shall be liable to pay on demand all such damages as may happen as aforesaid.

8. In consideration whereof the said corporation hereby covenants and agrees to confer exclusively upon the said company, its successors and assigns all the powers, privileges and immunities necessary to acquire lands, water power and water privileges as provided by chapters 164 and 165 of the Revised Statutes of Ontario, 1887, and *The Consolidated Municipal Act 1892*, and the amendments thereto, and also as therein provided for the purposes hereinbefore mentioned to construct, maintain, complete and operate works for the production, sale and distribution of electricity for purposes of light and also to confer upon said company, its successors and assigns the exclusive right to erect poles, string wires and conductors, and to carry the same along, across, through or over and under any of the streets, lanes, alleys, squares or public places of the corporation of the town of Sault St. Marie and to exercise within the corporation all the powers and privileges conferred upon gas and water companies by the said Acts of the Legislature of Ontario.

9. And the said corporation on behalf of itself and its successors hereby covenants and agrees to take fifty arc lights of one thousand candle power, and one hundred and fifty incandescent electric lights of thirty candle power each from the said company, its successors and assigns for the term of ten years from the final passing of said by-law and to pay therefor quarterly the sum of five thousand dollars per annum during said term, and in case more than the said number of lights is required by said corporation the further sum of seventy dollars per annum for each arc light and ten dollars per annum for each incandescent light, payable quarterly, and it is expressly understood and agreed that the said lights are to be kept lighted from dark to daylight of the following morning on each and every day during the said term, and the time for which the said lights are to be paid is to commence when the said lights are ready for use.

(Sgd.) W. H. PLUMMER, [Town seal.]
Mayor.

(Sgd.) R. H. CARNEY,
Acting Clerk.

(Sgd.) JAS. BASSINGTHWAIGHTE,
Clerk.

(Sgd.) R. M. VAN NORMAN,
President.

(Sgd.) JAMES BASSINGTHWAIGHTE, [Company's
Secretary. seal.]

ASSIGNMENT.

Know all men by these presents, that The Ontario and Sault Ste. Marie Water, Light and Power Company, named in the agreements hereto annexed, in consideration of the sum of one dollar paid to them by Francis H. Clergue, of the city of New York, mill owner, and E. V. Douglas, of the city of Philadelphia, capitalist, the receipt whereof is hereby acknowledged, doth hereby sell, assign and transfer to the said Francis H. Clergue and E. V. Douglas and their assigns all their interest, right, claim and demand of every nature and kind whatsoever in the annexed instruments, being agreements between the said company and the corporation of the town of Sault Ste. Marie for the supply to said corporation of water and electric light, and also every covenant, article and thing therein contained to have and to hold the same unto the said Francis H. Clergue and E. V. Douglas, their executors, administrators and assigns with power to take all lawful measures which the said company might have taken for the full recovery and enjoyment of all rights and provisions mentioned in said agreements.

And the said Francis H. Clergue and E. V. Douglas, for themselves and their assigns, do hereby covenant with said company that they will duly perform all the acts and conditions which by the terms of said agreements the said company are required to do.

In witness whereof the parties hereto have duly executed these presents.

(Sgd.) R. M. VANNORMAN, [Company's
President. seal.]

(Sgd.) R. H. CARNEY,
Acting Secretary.

(Sgd.) JAMES BASSINGTHWAIGHTE,
Secretary.

(Sgd.) FRANCIS H. CLERGUE. [Seal.]

(Sgd.) E. V. DOUGLAS. [Seal.]

Signed, sealed and delivered }
in the presence of }
(Sgd.) N. SIMPSON. }

This agreement, made in duplicate this third day of October, A.D. 1894, between Francis H. Clergue, of the city of New York, in the state of New York, one of the United States of America, mill owner, and E. V. Douglas, of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, capitalist, of the first part, and the corporation of the town of Sault Ste. Marie, in the district of Algoma and Province of Ontario, of the second part;

Whereas certain negotiations have been pending between the parties of the first and second parts, the partial results of which is that said parties of the first part have become the assignees of certain electric light and waterworks contracts for supplying said parties of the second part with light and water;

And whereas one of the considerations for such light and waterworks contracts is the covenant of said parties of the first part contained in a certain offer or proposal made by said parties of the first part to said parties of the second part and dated the first day of October, 1894, to expend within the town of Sault Ste. Marie at least two hundred thousand dollars (\$200,000) in the erection of mills, manufactories and other similar improvements in addition to waterworks and electric light systems before the 31st day of December, 1895, and further sums as in said offer or covenants set out;

And whereas in order to more effectually secure the performance of said covenant to expend said money as aforesaid within time limited and in manner specified, the said parties of the first part have agreed that in the event of the said two hundred thousand dollars in improvements not being expended on or before said 31st of December, 1895, unless for reasonable cause performance within the required time shall have been excused then the sum of twenty-five hundred dollars shall be retained by said parties of the second part out of funds in their hands belonging to said parties of the first part or their assigns, as well as all other payments as the same may become payable by said parties of the second part under the terms of said contract, such sums to be paid over by said parties of the second part when said sum shall have been expended as aforesaid;

Therefore this agreement witnesseth as follows:

1. The said parties of the first part covenant, promise and agree to and with said parties of the second part to expend the sum above mentioned in the town of Sault Ste Marie on or before the 31st day of December, 1895, in the erection of mills, manufactories and other similar improvements, in addition to waterworks and electric light systems.

In

In the event of said sum not being so expended within said specified time, unless for reasonable cause performance is excused, then the sum of twenty-five hundred dollars shall be retained by said parties of the second part out of funds in their hands belonging to said parties of the first part, as well as all other payments as the same may become payable under the terms of said contract, such sums however to be paid over by said parties of the second part when said sums shall have been expended in improvements as aforesaid.

Witness our hands and seals.

(Sgd.) FRANCIS H. CLERGUE. [L.S.]

(Sgd.) E. V. DOUGLAS. [L.S.]

Witness:

(Sgd.) MOSES MCFADDEN.

ASSIGNMENT.

Know all men by these presents, that we, Francis H. Clergue, of the city of New York in the state of New York, one of the United States of America, mill owner, and Edward V. Douglas, of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, capitalist, in consideration of the sum of one dollar of lawful money of Canada paid to us by the Tagona Water and Light Company, the receipt whereof is hereby acknowledged, do hereby sell, assign, transfer and set over unto the Tagona Water and Light Company, their successors and assigns, all our interest, rights, powers, privileges, claims and demands of every nature and kind whatsoever in, under or by virtue of two certain agreements each bearing date the third day of October, 1894, and made between The Ontario and Sault Ste. Marie Water, Light and Power Company of the first part, and the corporation of the town of Sault Ste. Marie of the second part, for the supply to the said corporation of water and electric light respectively (the rights and interest of The Ontario and Sault Ste. Marie Water, Light and Power Company under and by virtue of the said two agreements having on the said third day of October, 1894, been assigned by them to the said Francis H. Clergue and Edward V. Douglas) together with every covenant, article and thing therein contained, and all benefit and advantage to be derived therefrom, to have and to hold the same unto the said Tagona Water and Light Company, their successors and assigns, with power to take all lawful measures

which

which the said "The Ontario and Sault Ste. Marie Water, Light and Power Company" or we ourselves might have taken for the full recovery and enjoyment of all rights and provisions mentioned in said two agreements.

And the said Tagona Water and Light Company, for themselves, their successors and assigns, hereby covenant with the said Francis H. Clergue and Edward V. Douglas that they the said Tagona Water and Light Company will duly perform all the acts and conditions which by the terms of said agreements are required to be performed by The Ontario and Sault Ste. Marie Water, Light and Power Company.

In witness whereof the parties hereto have duly executed these presents on this 24th day of November, A.D. 1894.

Signed, sealed and delivered }
in the presence of
(Sgd.) HY. C. HAMILTON. }

(Sgd.) FRANCIS H. CLERGUE.

(Sgd.) EDWARD V. DOUGLAS.

(Sgd.) TAGONA WATER AND
LIGHT COMPANY,
By F. H. CLERGUE,
President.
[Company's seal.]

This agreement made in duplicate this twenty-ninth day of December, A.D. 1894, between Edward V. Douglas of the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, capitalist, and Francis H. Clergue of the city of New York, in the state of New York, one of the said United States, mill owner, of the first part; the corporation of the town of Sault Ste. Marie of the second part, and The Ontario and Sault Ste. Marie Water, Light and Power Company, of the third part;

Whereas by an offer dated the first day of October, A.D. 1894, the parties of the first part did offer to purchase from the parties of the second part all the stock subscribed, purchased or otherwise acquired by the parties of the second part in The Ontario and Sault Ste. Marie Water, Light and Power Company, amounting in all to the sum of \$251,000, and consisting of 12,550 shares of the capital stock of the said company, at and for the price or sum of \$260,000, and subject to certain terms and conditions mentioned and referred to in said offer;

And

And whereas the council of the said corporation has duly accepted said offer and have agreed to sell the said stock to the parties of the first part on the terms and conditions above mentioned ;

And whereas the parties of the first part, or their assigns, are, according to the terms of said offer, to cause to be given to the parties of the second part (if they so desire) upon the delivery to them of said stock, a mortgage which shall be a first charge upon the lands, assets, rights, franchises and credits of the said company, the parties hereto of the third part, to secure the due payment by the parties of the first part or their assigns of the said sum of \$260,000 in the manner set forth in the said offer ;

And whereas before said mortgage is to be given by the parties of the first part or their assigns the parties of the second part are, according to the terms of said offer, to procure all the lands purchased from or applied for to the Government of Ontario by the said company, and also the lands applied for by said company to the Government of Canada to be patented and granted to the said company free of all incumbrances of whatsoever nature or kind, and also to pay to the parties of the first part or their assigns, certain sums of money before the parties of the first part or their assigns shall be required to pay off and discharge the mortgages now upon said company's lands ;

And whereas the parties of the second part have not yet performed the conditions lastly above mentioned which by them are to be performed, and some time may elapse before they have fully performed the same ;

And whereas the parties of the first part are desirous of proceeding at once with the construction of their proposed works at the town of Sault Ste. Marie, and desire to have said stock purchased by them as aforesaid transferred and delivered to them forthwith in order to enable them to assume proper control of said company's assets, without waiting for the fulfilment by the parties of the second part of the terms and conditions to be by them performed as aforesaid, and also before the said mortgage to be given by the parties of the first part or their assigns as aforesaid shall be required to be given by them ;

And whereas the parties of the second part have consented to transfer and deliver said stock to the said parties of the first part upon the terms hereinafter mentioned ;

And whereas to remove any doubts as to the ability of the said parties of the first part or their assigns to give said first mortgage as security for the payment of said \$260,000 as aforesaid the parties of the third part have joined in these presents for the purpose of ratifying and confirming same and of signifying their willingness to do all things necessary to be

done

done by them to fully complete the security of said parties of the second part by way of mortgage for the payment of said sum of \$260,000.

Now this agreement witnesseth that in consideration of the premises, the parties of the second part have this day assigned, transferred and delivered to the parties of the first part all of the said stock purchased by them as aforesaid, namely, \$251,000 of the capital stock of the said company consisting of twelve thousand five hundred and fifty shares (the receipt whereof is hereby acknowledged by the parties of the first part).

And in consideration of the said transfer and delivery of said stock by the parties of the second part to the parties of the first part the parties of the first part for themselves and their assigns do hereby covenant to and with the parties of the second part that as soon as the parties of the second part shall have done and performed all the acts and conditions which by terms of said offer dated first of October, 1894, the parties of the the second part are required to do in order to enable the said company to give the parties of the second part the mortgage hereinbefore mentioned to secure the repayment of the purchase price of said stock in the manner mentioned in said offer (which mortgage if given by The Ontario and Sault Ste Marie Water, Light and Power Company either under its present name or any other name under which it may be hereafter incorporated shall be regarded and accepted by the parties of the second part as duly given by the parties of the first part or their assigns) which terms and conditions include the procuring or transferring by the parties of the second part for or to the said company of the lands purchased by them from the Government of Ontario and of the water lots applied for by said company to said Government of Ontario and of the lands to be granted to said company by the Government of Canada free of all charge to the parties of the first part or their assigns or to said company, and the same to be cleared and freed of all incumbrances whatsoever, and also when the parties of the second part shall have paid to the parties of the first part or their assigns the sum of money which by the terms of said offer dated 1st October, 1894, they are required to pay before the parties of the first part or their assigns shall be required to pay off and discharge the existing mortgages on said company's lands, and also when the nominees of the parties of the first part or their assigns for that purpose have been duly elected to the directorate of said company, then the parties of the first part or their assigns or the said company will give to the parties of the second part the mortgage upon the lands particularly mentioned and described in schedule hereto annexed, marked A, and upon the property, assets, franchises and credits mentioned

in said offer and for the purpose therein mentioned, namely, to secure the due payment of the purchase price of said stock as mentioned in said offer, and the parties of the first part or their assigns will from and after the date which by the terms of this agreement they are bound to give said mortgage, assume and pay off according to the respective exigencies thereof the several debentures which by the terms of said offer dated the 1st of October, 1894, they are to pay off, and the date from which the interest payable thereon by the parties of the first part or their assigns is to be computed shall be the 24th day of November, A.D. 1894.

And it is further agreed that in all the agreements and by-laws heretofore entered into or enacted and which in any way refer to the said Francis H. Clergue and Edward V. Douglas or to the works to be constructed by them or their assigns in the town of Sault Ste Marie, any words referring to said Francis H. Clergue and Edward V. Douglas, shall in each and every case be read and construed to include the assigns of said Francis H. Clergue and Edward V. Douglas or the assigns of either of them.

And it is further understood and agreed between the parties hereto, that the word "requiring" shall be substituted for the words "laying or allowing" where the latter occur both in the fifth paragraph of the document marked A annexed to said offer, and also in the fifth paragraph of the agreement made the 3rd day of October, 1894, between the said company and the parties of the second part, the said words "laying or allowing" having by error been inserted in said documents instead of the word "requiring."

And it is further understood and agreed by and between the parties hereto that all debts and liabilities outstanding and owing by the said company on the 29th day of December, 1894, shall be paid off and discharged by the parties of the second part free of all costs and charges to the parties of the first part or their assigns whom the parties of the second part hereby covenant to indemnify and save harmless with respect thereto.

And the parties of the second part covenant and agree that if any lease be granted by The Ontario and Sault Ste. Marie Water, Light, and Power Company to the Tagona Water and Light Company at a rental which shall not be at the rate of less than \$5.00 per horse power per annum, the parties of the second part shall not by virtue of their powers to be contained in the mortgage to be given to them as aforesaid in any way determine or cause to be determined the said lease to the Tagona Water and Light Company or their assigns, or any of the rights and privileges thereby demised, and that so far as the said Tagona Water and Light Company and their assigns are concerned the said parties of the second part shall in case any proceedings be taken by them under said mortgage stand in

the same position as The Ontario and Sault Ste. Marie Water, Light and Power Company or their assigns would with respect to said Tagona Water and Light Company and their assigns and the said lease to them, which lease the said parties of the second part shall recognize in every respect ;

Provided always said rental shall not be at the rate of less than \$5.00 per horse power per annum, and that said lease shall include only the following described portion of the lands of The Ontario and Sault Ste. Marie Water, Light, and Power Company :

A tract of land one and a quarter acres more or less in extent, the south boundary being the south boundary of the lands now owned by The Ontario and Sault Ste. Marie Water, Light and Power Company, the north boundary being parallel to Portage street, and distant eight hundred and thirty-one and one-half feet south of the southerly limit of Portage street, the west boundary being distant seventeen hundred feet from the west limit of Andrew street and at right angles to said Portage street, and the east boundary distant fourteen hundred feet from the west limit of Andrew street and at right angles to said Portage street, the said west boundary being one hundred and eighty-nine feet in length, the said north boundary being three hundred feet in length, and the said east boundary being one hundred and seventy-four and one-tenth feet in length ;

And it is understood and agreed that anything contained in the said offer dated the first day of October, 1894, which is inconsistent with or repugnant to the terms, conditions, or provisions of this agreement is hereby rescinded and shall from the execution of this agreement cease to have any effect whatever, otherwise the terms, conditions, and provisions of the said offer shall remain in full force, virtue, and effect ;

And it is further understood and agreed that upon the transfer of said stock to the said parties of the first part by the said parties of the second part all the parties to the lease mentioned in said offer shall be relieved of and from any liability whatever thereunder.

It is distinctly understood by and between the parties hereto that the said mortgage so to be given by said parties of the first part is to cover the lands and premises mentioned and described in schedule hereto marked "A," and also the assets, rights, and franchises and credits of the parties hereto of the third part, its successors and assigns mentioned in said offer.

The said mortgage is to provide also for the payment of debentures and interest as herein mentioned and in such a manner as to fully indemnify and protect the said parties of the second part from the payment of said debentures and mortgages to the extent of \$260,000 and interest payable half-yearly, as provided in said offer.

The said mortgage shall contain the usual statutory covenants with the power of sale in case of default.

In witness whereof the parties hereto of the first part have hereto set their hands and seals and the said corporation has hereto caused to be set the hands of its mayor and clerk and his corporate seal to be affixed, and the said company has hereto caused to be set the hands of its president and secretary and its corporate seal to be affixed.

Witness: (Sgd.) EDWARD V. DOUGLAS, [Seal.]
By FRANCIS H. CLERGUE,
(Sgd.) N. SIMPSON, His Attorney.
(Sgd.) FRANCIS H. CLERGUE. [Seal.]
(Sgd.) W. H. PLUMMER,
Mayor. [Town Seal.]
(Sgd.) ALBERT CARNEY,
Acting Clerk.
(Sgd.) JAMES BASSINGTHWAIGHTE,
Clerk.
(Sgd.) R. M. VAN NORMAN,
President. [Company Seal.]
(Sgd.) ALBERT CARNEY,
Secy.

SCHEDULE A.

Referred to in the annexed agreement dated the 29th day of December A. D. 1894, and forming part thereof.

PARCEL NUMBER ONE.

A mill site at the town of Sault Ste. Marie, in the district of Algoma, in front of the township of Awenge as shown by the green color on a plan by Provincial Land Surveyor Isaac Traynor, dated 5th May, 1877, of record in the Department of Crown Lands, a copy of part of which plan is attached to the patent bearing date the seventh day of June, 1877, conveying the said mill site privileges, lands and premises to John Laird and Jonathan Henderson together with the right of way, one chain wide, from the said mill site to the Korah road, as shown on the said plan by the red color, together with all the privileges and appurtenances thereto belonging, excepting thereout however that portion of the said mill site which lies to the south of a straight line drawn from a point on the southerly production of the easterly limit of West street, distant one thousand one hundred and forty-nine and four-tenths feet measured southerly along said production from the southerly limit of Portage street to a point on the southerly production of the westerly limit of Andrew street, distant nine hundred and thirty-six and four-tenths feet measured southerly along
said

said production from the said southerly limit of Portage street, the portion of said mill site hereby excepted as aforesaid containing by admeasurement two and sixty-five one-hundredths acres more or less, and being the lands to be granted to the Government of Canada in exchange for and as the consideration for the lands to be granted by the said Government of Canada to "The Ontario and Sault Ste Marie Water, Light and Power Company," which latter lands are described as parcel number five in this schedule.

PARCEL NUMBER TWO.

That parcel of land situate in the town of Sault Ste Marie, in the district of Algoma conveyed to "The Ontario and Sault Ste Marie Water, Light and Power Company," by Henry Coulthard Hamilton, by deed dated 30th June, 1890 and registered in the registry office for the district of Algoma on the 9th day of July, 1890, as number 2,188, which said parcel may be described as follows, that is to say: commencing in the southern limit of Portage street, said street being one chain wide, at its intersection with the easterly limit of Hudson street produced, thence southerly along the easterly limit of Hudson street produced to the water's edge of the St. Mary's river, thence southerly following the water's edge to the northerly limit of Laird and Henderson's mill site as patented to them by the Crown on the seventh day of June, 1877, thence easterly along the said northern limit to the north east angle of said mill site, thence northerly and easterly following the water's edge of the St. Mary's river to its intersection with the westerly limit of Andrew street produced, thence northerly along said westerly limit to the southern limit of Portage street, said street being one chain wide, and thence westerly along said southern limit thirty two chains more or less to the point of commencement and containing by admeasurement fifteen and one-half acres more or less, excepting therefrom at the extreme northwest corner such small triangular piece (if any) as may be cut off by the Korah road, the said parcel above described being all of the reserve of land of the Hudson's Bay Company, at Sault Ste. Marie, lying southerly and westerly of Portage street aforesaid.

PARCEL NUMBER THREE.

All those parcels of land and land covered with water belonging to the Province of Ontario in the town of Sault Ste. Marie in the district of Algoma, lying between the south limit of Portage street and St. Mary's Island, bounded on the west by the east limit produced southerly of West street, and on the east by lands granted by letters patent to the Hudson's Bay Company and to Messrs. Laird and Henderson, said parcel containing by admeasurement thirty-eight acres more or less, and granted by letters patent, dated 13th December, 1894, to the corporation of the town of Sault Ste. Marie.

PARCEL

PARCEL NUMBER FOUR.

The land and land covered with water at the foot of the rapids on St. Mary's river, in the town of Sault Ste. Marie, in the district of Algoma, as shown on plan of survey by John A. Wilde, Ontario Land Surveyor, dated "6th October, 1894" of record in the Department of Crown Lands, and which plan is approved by the Deputy Minister of Railways and Canals for the Dominion, "15th October, 1894," described as follows, that is to say: Commencing at the intersection of the southerly production of the westerly limit of Gore street with the water's edge of St. Mary's river, thence westerly and following the said water's edge of St. Mary's river to the northeast angle of the Laird and Henderson mill site (a tract of twelve acres granted by letters patent, dated the seventh day of June, in the year of our Lord, one thousand eight hundred and seventy-seven, to John Laird and Jonathan Henderson), thence southerly along the easterly limit of said mill site to a point on said limit which is distant one thousand and seven and two-tenths feet, measured southerly and at right angles from the southerly limit of Portage street, the bearing of said Portage street being south eighty degrees and twenty-seven minutes, east astronomically, thence south seventy-two degrees nine minutes and forty-nine seconds, east astronomically, one thousand one hundred and twelve and one-tenth feet more or less to the intersection with the said southerly production of the westerly limit of Gore street. The last described line being the northerly limit of the water lot at the eastern entrance to the Sault Ste. Marie canal, applied for by the Government of the Dominion of Canada, according to plan and description signed by Ontario Land Surveyor Wilde, bearing date the 7th of December, 1893, thence northerly and along said southerly production of the westerly limit of Gore street to the place of beginning; reserving thereout a road for ship canal purposes as shewn on the said plan. The parcel of land and land covered with water above described containing by admeasurement twenty-seven acres, be the same more or less.

PARCEL NUMBER FIVE.

All and singular that certain parcel or tract of land and land covered by water being a portion of St. Mary's island and the adjacent waters, situate, lying and being in the town of Sault Ste. Marie, in the district of Algoma, and Province of Ontario and which may be more particularly known and described as that portion of St. Mary's Island and adjacent waters, the property of the Government of the Dominion of Canada, lying to the north of a straight line to be hereafter described, and bounded on the west by the southerly production of the easterly limit of west street, and on the east by the Laird and Henderson mill site (a tract of twelve acres granted by letters patent dated June 7th, 1877.) The above mentioned straight line is
drawn

drawn from a point on the said southerly production of the easterly limit of West street, distant one thousand one hundred and forty-nine and four-tenths feet, measured southerly along said production from the southerly limit of Portage street to a point on the southerly production of the westerly limit of Andrew street, distant nine hundred and thirty-six and four-tenths feet, measured southerly along said production from the said southerly limit of Portage street. The above described parcel contains by admeasurement ten and ten one-hundredths acres, be the same more or less.

PARCEL NUMBER SIX.

All and singular that certain parcel or tract of land or land covered by water, being a portion of the lands covered by the waters of the St. Marys river, lying at the head of the rapids of said river and in front of and adjacent to the town of Sault Ste. Marie and the township of Avenge, in the district of Algoma and Province of Ontario, and which may be more particularly known and described as follows, that is to say:—Commencing at a point on the southerly production of the easterly limit of West street, in the said town of Sault Ste. Marie, said point being distant two hundred feet, measured southerly and along said production from the southerly limit of Portage street; thence south nine degrees thirty-three minutes west astronomically and along the said southerly production of the easterly limit of West street, a distance of nine hundred and forty-nine and four-tenths feet; thence south seventy-eight degrees, no minutes west astronomically a distance of one thousand five hundred and nineteen and six-tenths feet; thence north twenty-three degrees, no minutes east astronomically a distance of one thousand and seventy-eight feet; thence north seventy-eight degrees, no minutes east astronomically one thousand two hundred and fifty feet, more or less, to the place of beginning. The above described parcel contains by admeasurement twenty-eight and nine-hundredths acres, be the same, more or less.

TRANSFER OF STOCK.

Know all men by these presents that the council of the town of Sault Ste. Marie, pursuant to the provisions of by-law numbered 327 of the said town, passed this 29th day of December, A. D. 1894, and by virtue of all other powers them thereunto enabling, do hereby assign, transfer, and set over unto Francis H. Clergue, of the city of New York, in the state of New York, one of the United States of America, mill-owner, and Edward V. Douglas, of the city of Philadelphia, in the state of Pennsylvania, one of the said United States, capitalist, all the stock subscribed, purchased, or otherwise
acquired

acquired by the corporation of the town of Sault Ste. Marie in The Ontario and Sault Ste. Marie Water, Light, and Power Company, said stock consisting of twelve thousand five hundred and fifty shares of the capital stock of said company, and being of the par value of two hundred and fifty-one thousand dollars, and being the stock referred to in the stock certificates issued by the authority of said company, numbered respectively one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, and seventy-two.

In witness whereof the council of the said town of Sault Ste. Marie, through the mayor of the said town, and under the corporate seal of the corporation of said town have duly executed these presents this twenty-ninth day of December, one thousand, eight hundred and ninety-four.

Signed, sealed, and delivered }
in the presence of }
(Sgd.) N. SIMPSON.

(Sgd.) W. H. PLUMMER,
Mayor of the Town of
Sault Ste. Marie.
[Corporation seal.]

SCHEDULE B.

(Section 2.)

BY-LAWS AND RESOLUTIONS OF THE TOWN OF SAULT STE. MARIE.

1. By-law No. 318.—To authorize The Ontario and Sault Ste. Marie Water, Light and Power Company to construct waterworks for the municipality of the town of Sault Ste. Marie, passed by the council of the said town of Sault Ste. Marie on the 3rd day of October, 1894.

2. By-law No. 319.—To authorize The Ontario and Sault Ste. Marie Water, Light and Power Company to construct electric light works for the municipality of the town of Sault Ste. Marie passed by the council of the town of Sault Ste. Marie on the 3rd day of October, 1894.

3. By-law No. 320.—To ratify and confirm a certain agreement made and entered into between The Ontario and Sault Ste. Marie Water, Light and Power Company and the corporation of the town of Sault Ste. Marie for the construction of waterworks, passed by the council of the town of Sault Ste. Marie on the 3rd day of October, 1894.

4. By-law No. 321.—To ratify and confirm a certain agreement made and entered into between The Ontario and Sault Ste. Marie Water, Light and Power Company and the corporation of the town of Sault Ste. Marie for the construction of electric light, passed by the council of the town of Sault Ste. Marie on the 3rd day of October, 1894.

5. By-law No. 322.—To exempt from municipal taxation for a period of ten years the property of The Ontario and Sault Ste. Marie Water, Light and Power Company, their successors and assigns, and the property of other persons and corporations situate on the property of the said company, their successors and assigns, passed by the council of the town of Sault Ste. Marie on the 5th day of October, 1894.

6. By-law No. 324.—To authorize the council of the town of Sault Ste. Marie to sell or dispose of the stock in The Ontario and Sault Ste. Marie Water, Light and Power Company, passed by the council of the town of Sault Ste. Marie on the 29th day of October, 1894.

7. By-law No. 327.—To provide for the transfer of stock in The Ontario and Sault Ste. Marie Water Light and Power Company, passed by the council of the town of Sault Ste. Marie on the 29th day of December, 1894.

8. Resolution passed by the municipal council of the said town of Sault Ste. Marie, on the 29th day of December, A.D. 1894, accepting the offer of Edward V. Douglas and Francis H. Clergue to purchase the stock held by the town of Sault Ste. Marie in The Ontario and Sault Ste. Marie Water, Light and Power Company.

9. Resolution of the municipal council of the town of Sault Ste. Marie, authorizing the mayor and clerk, on behalf of the corporation of the town of Sault Ste. Marie, to sign and fix the corporate seal of the said corporation to the agreement dated the 29th day of December, 1894, between Francis H. Clergue and Edward V. Douglas, of the first part, the said corporation of the second part, and The Ontario and Sault Ste. Marie Water, Light, and Power Company of the third part, respecting the transfer to the said Francis H. Clergue and Edward V. Douglas by said corporation of its stock in said company.

CHAPTER 120.

An Act respecting the Stormont Electric Light and Power Company.

[Assented to 16th April, 1895.]

WHEREAS, The Stormont Electric Light and Power Com- Preamble.
pany was, on the 23rd day of September, A.D. 1887, incorporated by letters patent, under *The Ontario Joint Stock Companies' Letters Patent Act*, and an Act passed in the forty-fifth year of Her Majesty's reign, intituled "*An Act respecting Companies for supplying Electricity, for the purposes of Light, Heat and Power*," and has been engaged in furnishing light by electricity in the town and township of Cornwall since its incorporation; and whereas, the Cornwall Gas Company was incorporated on or about the 1st day of August, A.D. 1882, under and by virtue of chapter 157, of the Revised Statutes of Ontario, 1877, intituled "*An Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water for the manufacture and sale of Illuminating Gas*;" and whereas, the Cornwall Gas Company, for the purposes of such business acquired the land and premises herein-after described, and erected thereon works for the manufacture and storage of gas, and laid mains and pipes in the streets, squares and other public places in the town of Cornwall for the purpose of supplying the same to consumers; and whereas, the Cornwall Gas Company, on the 28th day of August, 1888, passed a by-law which was duly ratified and confirmed by the shareholders of the company, according to law, authorizing an issue of bonds to the amount of \$15,000, payable in ten years from date, with interest at seven per cent. per annum, to be secured by mortgage upon all the real estate and works of the company to Philip S. Ross and James G. Ross, in trust for the bondholders; and whereas, the Cornwall Gas Company, by mortgage bearing date the 19th day of September, A.D. 1888, granted and conveyed the land herein-after described and all the property, plant appliances and fixtures of the said company to Philip S. Ross and James G. Ross in trust as security for the holders of the said bonds of the company; and whereas, the Cornwall Gas Company issued bonds amounting to \$13,500, which were secured by the said mort-

gage

gage to the said Philip S. Ross and James G. Ross, as aforesaid ; and whereas, Alexander McLean, John McMillan, T. Robertson and Company and Robert Mitchell and Company became the holders of the said bonds which were issued by the Cornwall Gas Company ; and whereas, the Cornwall Gas Company having made default in payment of the said bonds, and of the interest thereon, the said Philip S. Ross and James G. Ross, Alexander McLean, John McMillan, T. Robertson and Company and Robert Mitchell and Company took such proceedings in the chancery Division of the High Court of Justice for Ontario that they, on the 23rd day of April, A. D. 1890, obtained a final order of foreclosure whereby the Cornwall Gas Company were absolutely debarred and foreclosed of all their right, title, interest and equity of redemption in the lands hereinafter described, and in the buildings thereon erected, and in the engines, boilers, machines, gas tanks, belting, tools, appliances and in all gas pipes and mains for the carrying of gas underground in the various streets, lanes, yards or squares in the town of Cornwall ; and whereas, the said John McMillan died on or about the 17th day of April, A.D. 1891, after having duly made his last will and testament, whereby he appointed W. K. Gibson, H. J. Dawson and Charles Jenkins his executors, with power to sell all his right, title and interest in the said Cornwall Gas Works ; and whereas, the said Philip S. Ross, James G. Ross, Alexander McLean, T. Robertson and Company, Robert Mitchell and Company and the said executors of the estate of the late John McMillan conveyed the land hereinafter described and the said gas works to Archibald Denny, James Leitch, John McIntyre and Roderick R. McLennan ; and whereas, with the consent of the shareholders, The Stormont Electric Light and Power Company entered into an agreement, bearing date the 18th day of January, A.D. 1895, and set out in schedule A to this Act, with the said Archibald Denny, James Leitch, John McIntyre and Roderick R. McLennan, for the purchase of lot number nine on the north side of Water street, in the town of Cornwall, together with the gas works and holders thereon erected, and all the mains, pipes, boilers, engines, machinery, plant, appliances, devices, property and effects thereunto belonging, upon the terms and conditions in the said agreement set forth ; and whereas, The Stormont Electric Light and Power Company have by their petition prayed that the said agreement may be ratified and confirmed and that the said company may have power to own and operate the said gas works in the town of Cornwall, and to issue bonds to the amount of six thousand dollars, to be secured by a mortgage to trustees on the said land and gas works, and to increase the capital stock of the company, and for such other powers as may be

necessary to carry the said agreement into effect; and whereas, it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said agreement dated the 18th day of January 1895, Agreement of company with certain persons confirmed. between The Stormont Electric Light and Power Company, and the said parties of the second part therein named set out in schedule A to this Act, is hereby ratified and confirmed, and declared valid and binding upon the parties thereto, and, upon the delivery of a deed by the said parties of the second part in the said agreement named, the land described therein, together with the gas works and the holders thereon erected, and all the mains, pipes, boilers, engines, machinery, plant, appliances, devices, property and effects thereunto belonging, or in anyway appertaining thereto, shall vest in The Stormont Electric Light and Power Company.

2. The Stormont Electric Light and Power Company shall have power to operate the said gas works and to manufacture gas and sell the same for light, heat or power in the town and township of Cornwall, and shall hereafter possess all the rights, powers and privileges conferred on any company by *the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.* Power to operate gas works. R.S.O. 164.

3. The president and secretary of The Stormont Electric Light and Power Company, are, for the purpose set forth in the said agreement authorized and empowered to sign, seal and issue bonds or debentures of one hundred dollars each, to the amount of six thousand dollars, to bear date the first day of December A. D. 1893, and be payable in twenty years from date, with coupons attached thereto, for the payment of the interest at the rate of six per cent. per annum, payable half yearly at the office of the Ontario Bank, in the town of Cornwall, and to execute a mortgage on the land and gas works in the agreement Schedule A described, to a trustee or trustees, to be agreed upon by the parties to the said agreement, to secure the payment of the said bonds or debentures, and the interest coupons attached thereto. Bonding powers.

4. The directors of The Stormont Electric Light and Power Company may by by-law, increase the capital stock of the said company to the sum of \$50,000, or any less sum which they may consider requisite, for the due carrying out of the objects of the said company. Increasing capital stock.

SCHEDULE A.

(Section 1.)

This agreement, made in duplicate this 18th day of January, A. D. 1895, between The Stormont Electric Light and Power Company, of the first part, and Archibald Denny, banker; James Leitch, barrister; John McIntyre, merchant, all of the town of Cornwall, in the county of Stormont, and Roderick R. McLennan, gentleman, of the village of Alexandria, in the county of Glengarry, of the second part.

Whereas, at a meeting of the stockholders of The Stormont Electric Light and Power Company, duly called according to law, held at the office of the company, in the town of Cornwall, on the 13th day of November, A. D. 1893, it was moved and seconded and duly carried by the shareholders present, who represented 162 of the 250 shares of the capital stock of the said company, and without any dissenting vote, that The Stormont Electric Light and Power Company purchase the property of The Cornwall Gas Works, consisting of the real estate, being lot number nine on the north side of Water street, in the town of Cornwall, and the buildings, holders, appliances and plant, including mains and all devices and property of the company, except coke, coal and oil, and unexpired insurance, for the sum of thirteen thousand dollars, payable as follows: Six thousand dollars in bonds at 6 per cent. per annum, secured on The Gas Company's property, and seven thousand dollars in paid up stock of The Stormont Electric Light and Power Company, and that the president and the secretary of The Stormont Electric Light and Power Company are hereby authorized to sign a contract to complete the purchase, The Stormont Electric Light and Power Company to get possession of The Gas Company's property, and receive the revenue of the works, on and from the first day of December, A. D. 1893.

And whereas the parties of the second part were the owners of The Cornwall Gas Works and the land and premises in the said resolution described, and did on the 13th of November, A. D. 1893, agree to sell and transfer the same to The Stormont Electric Light and Power Company, the parties hereto of the first part, for the price or consideration in the said resolution mentioned.

And whereas the parties of the first part took possession of the said gas works and have received the revenues of the said works since the first day of December, A. D. 1893.

And whereas, at a meeting of the directors of The Stormont Electric Light and Power Company, held on the 17th day of January, A. D. 1895, the president and secretary of the said company were authorized and empowered to execute this

agreement

agreement on behalf of the company, and affix the corporate seal of the company.

Now, therefore, this agreement witnesseth that the parties of the first part hereby purchase, and the parties of the second part hereby sell and agree to convey by good and sufficient deed to the parties of the first part, lot number nine on the north side of Water street, in the town of Cornwall, together with the gas works and holder thereon erected, and all the mains, pipes, boilers, engines, machinery, plant, appliances, devices, franchises, property and effects thereunto belonging or in any wise appertaining thereto.

And the parties of the first part agree to pay to the parties of the second part the sum of thirteen thousand dollars for the said land and gas works in the manner following, viz.: Six thousand dollars in the bonds or debentures of The Stormont Electric Light and Power Company, which bonds or debentures are to bear date the 1st day of December, 1893, and be payable in twenty years from the date thereof, with coupons attached thereto, for the payment of the interest at six per cent. per annum, payable half-yearly, at the office of the Ontario bank, in the town of Cornwall, and seven thousand dollars in paid up capital stock of the said company.

And the parties of the first part agree with the parties of the second part that they, the said Stormont Electric Light and Power Company, will issue the said bonds or debentures of the company and execute a mortgage to a trustee or trustees, to be agreed upon by the parties hereto, to secure the payment of the said bonds or debentures and the interest coupons attached thereto, upon the said land and gas works, mains, pipes, boilers, engines, machinery, plant and appliances hereinbefore described.

And the parties of the first part agree with the parties of the second part that they, the said Stormont Electric Light and Power Company, will allot or procure to be allotted or transferred to the parties of the second part seventy shares of the said paid-up capital stock of the company at the par value of seven thousand dollars.

And the parties of the first part agree with the parties of the second part that they, The Stormont Electric Light and Power Company, will take the necessary steps to procure an Act to be passed by the Legislature of the Province of Ontario, ratifying and confirming this agreement, and giving power to the said company to own and operate the said gas works in the town of Cornwall, and granting power to the said company to issue the said bonds or debentures, and to execute a mortgage as aforesaid, to secure the payment of the same and the interest coupons attached thereto, and to increase the capital stock of the company, or for such other powers as may be necessary to carry out the true intent and meaning of this agreement.

In

In witness whereof the president and secretary of the parties of the first part have subscribed their hands and affixed the corporate seal of the company, and the parties of the second part have subscribed their hands and seals.

WM. COLQUHOUN,
President. [SEAL.]

J. SKELTON,
Secretary.

A. DENNY. [SEAL.]

JAMES LEITCH. [SEAL.]

JOHN MCINTYRE. [SEAL.]

R. R. McLENNAN. [SEAL.]

Signed, sealed and delivered in the presence of
JOHN MILDEN, as to signature of William
Colquhoun, John Skelton, Archibald
Denny, James Leitch, and John Mc-
Intyre.

ALEX. L. SMITH, as to signature of
Roderick R. McLennan.

CHAPTER 121.

An Act to incorporate the Advent Christian Church
of Ontario in Canada.*[Assented to 16th April, 1895.]*

WHEREAS the Advent Christian Conference of the Province of Ontario, in Canada, have by the Reverend Homer W. Davis, their president, and Emerson Warner, chairman of committee, who have signed a petition in the name of the said conference, represented that they are desirous to become incorporated in the Province of Ontario, with powers to purchase, sell, hold and mortgage property, and to make loans and investments of surplus funds, and to appoint trustees and other officers of their church from time to time, as necessary or expedient, and to receive and take legacies, bequests and devises heretofore or hereafter bequeathed, granted and devised to them for the purposes of the said church; and whereas it is expedient to grant the prayer of the said petition;

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Advent Christian Conference of Ontario in Canada, Incorporation shall be and is hereby declared to be a body politic and corporate, by the name and style of the "Advent Christian Church of Ontario in Canada," and by that name shall have perpetual succession, and shall be capable of suing and being sued, in any court whatever, and shall have and use a common seal which it may alter and change at pleasure.

2. It shall be lawful for the regular members of the conference of the said Advent Christian Church at its regularly constituted meetings to appoint such officers and trustees, and make and ordain such by-laws and regulations in relation to the management and disposition of the real and personal estate of the corporation, the duties of its officers, and the management of its corporate offices, as they shall think proper, provided that they are not inconsistent with any act or law in that behalf in force within this Province.

Appointment
of officers—
management
of property.

Acquiring and holding property.

3. The said corporation may purchase and hold real and personal estate for the purposes of the corporation, and may also with the consent of a majority of the members of the said conference, at its regularly constituted meetings sell and mortgage any of its real or personal estate, the proceeds thereof to be applied as a majority of the members of the said conference shall determine; and the said corporation may also receive, take and hold legacies, bequests, lands and property, for the purposes of the said church, whether heretofore or hereafter bequeathed, devised or granted to said church or corporation.

Proviso.

Provided always that no real estate not actually occupied for the purposes of the corporation shall be held for a longer period than seven years, and the lands in Ontario held by the said corporation shall not exceed in annual value the sum of \$5,000 at any one time: Provided that no gift or devise of any real estate or of any interest therein shall be valid unless made by deed or will executed by the donor or testator at least six months before his death.

Investments.

4. The said corporation may also, from time to time, make such investments and loans of all moneys held for investment, for the use or purposes of the said church, and alter and change such investments, when and as may be approved of, by the written consent of a majority of the officers and trustees of the conference of the said Advent Christian Church.

CHAPTER 122.

An Act respecting the Monastery of Mount Carmel
near Niagara Falls.

[Assented to 16th April, 1895.]

WHEREAS Pius R. Mayer, O. C. C., and others by declaration under the *Act respecting Benevolent, Provident, and other Societies*, dated the eighth day of March, 1882, applied to George Baxter, Esquire, judge of the county court of the county of Welland for a certificate under the said Act incorporating such persons a body corporate under the name of the Monastery of Mount Carmel, near Niagara Falls; and whereas on the 9th day of March, 1882, a certificate under the said Act was granted by the said George Baxter, Esquire, for the said purpose, which said certificate and declaration were duly filed in the office of the Clerk of the Peace for said County of Welland on the 9th day of March, 1882; and whereas such declaration was and is defective in that it does not provide for the appointment of successors to the first trustees or managing officers, for the entry of new members or the time and place for holding the annual and general meetings, and the said corporation has prayed that an Act may be passed to make provisions for the said matters and that the said certificate of incorporation, and the transactions and conveyances done or made by or to the said corporation may be confirmed; and whereas no one has opposed the said petition; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The certificate granted by George Baxter, Esquire, on the 9th day of March, 1882, under the *Act respecting Benevolent, Provident and other Societies* to Pius R. Mayer, Albert Heimann, Otto Wiedemann, Dominick F. O'Malley and Thomas P. Reddy constituting such persons a body politic and corporate under the name of the Monastery of Mount Carmel, near Niagara Falls, is hereby confirmed, and it is declared that the Certificate of incorporation and Rev. Stat c. 172 confirmed.

said

said persons and such others as have succeeded them or been admitted into said body are and have been since said date a legal corporate body within the meaning of said Act under the name of the Monastery of Mount Carmel, near Niagara Falls

Appointment
of successors
to first
trustees.

2. The successors to the first trustees or managing officers of said society shall be appointed and the entry of new members shall be regulated according to the rules or by-laws of said society or corporate body.

General meet-
ing.

3. General meetings of such society shall be held at the Hospice of the society or such place in the township of Stamford, in the county of Welland, as the trustees or managing directors of the society shall from time to time determine.

CHAPTER 123.

An Act to amend the Act incorporating The Upper Canada Religious Tract and Book Society.

[Assented to 16th April, 1895.]

WHEREAS, The Upper Canada Religious Tract and Book Society has, by its petition, represented that it is advisable to amend its Act of incorporation so as to enable the said society to carry on its work in any part of the world; and whereas, the said society has, by its petition, also represented that it is advisable to give to the said society certain additional powers for taking and holding real and personal estate, including what is not pure personalty, by gift, devise or bequest, and for disposing of the same; and whereas, it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It shall and may be lawful for the said society, through its board of directors for the time being, to carry on its work and operations as defined in its Act of incorporation in any part of the world, and it shall and may be lawful for the said society to carry on such work and operations through the agency of any other society having for its object the dissemination of religious tracts and books.

Power to carry on operations in any part of the world.

2. It shall and may be lawful for the said society from time to time to take and hold by gift, devise or bequest any lands or tenements or interest therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but nothing in this clause contained shall authorize the said society to take or hold by any gift, devise or bequest, so as that the annual value of any lands, tenements or interest therein so to be held by gift, devise or bequest, under authority of this clause, shall at any one time in the whole exceed the annual value of one thousand dollars, and no lands or tenements or interest therein acquired by gift, devise or bequest under the authority of this clause shall be held by the said society for a longer period than seven years after

Power to take lands.

after the acquisition thereof, and within such period they shall respectively be absolutely disposed of by the said society, which shall have power to grant and convey any such lands to any purchaser so that it shall no longer retain any interest therein, and the proceeds of such disposition shall be invested in public securities, municipal debentures or other approved securities, not including mortgages, for the use of the said society, and such lands, tenements or interest therein or such thereof which may not within the said period have been so disposed of shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

Powers at present possessed under Act of incorporation not diminished.

3. This Act shall not be construed so as in any wise to repeal, take from or diminish any of the rights, powers or privileges granted to the said society by its Act of incorporation, but on the contrary any rights or privileges conferred by this Act shall be construed as supplementary and in addition to those conferred by the said Act of incorporation.

Act not to diminish power under her Acts.

4. This Act shall not be construed so as in any wise to repeal, take from or diminish any of the rights, powers or privileges which would have been possessed by the said society under any Act or law of this province if this Act had not been passed.

Applications of funds.

5. The funds of the said society may and shall be used for the purposes authorized by its Act of incorporation and by this Act.

CHAPTER 124.

An Act to confer certain powers on the Trustees
of the Will of the late John Lyons.*[Assented to 16th April, 1895.]*

WHEREAS Joseph Gibson of the township of York in the county of York, Gentleman, and Thomas Ford of the city of Toronto in the said county of York, gentleman, surviving trustees and executors under the will of John Lyons, late of the said city of Toronto, have by their petition represented that the said John Lyons made and published his last will and testament as follows:

Preamble.

I, John Lyons, of the city of Toronto, in the county of York, in the Province of Ontario, gentleman, hereby declare this to be my last will and testament—I give, devise and bequeath all my real and personal estate unto my executors and executrix, hereinafter named, upon trust in the first place out of the rents issues and profits thereof to pay my dear wife Mary Ann Lyons the sum of one thousand dollars per annum for her maintenance and support during the term of her natural life, if she shall so long continue my widow, and after her decease or second marriage to allow Mary Ann Close, my niece by marriage, daughter of James Close of the county of Grey, to receive the rents, interests and profits of all my real estate, situate, lying and being in the city of Toronto aforesaid for and during the period of her natural life and after her death to convey the said real estate to her children upon their severally attaining the age of twenty-five years and from the time of her death until the youngest child shall attain the age of twenty-five years aforesaid, the rents, issues and profits are to be applied to their support, and to allow Isabella Watt, wife of Matthew Andrews, of the village of Yorkville, aforesaid, to receive all the rents, issues and profits arising from all my real estate, situate, lying and being in the said village of Yorkville for and during the term of her natural life and after her death to convey the said real estate in Yorkville aforesaid to her children, share and share alike, and after her death to apply the rents, issues and profits in the maintenance and support of her children until they severally shall attain the age of twenty-five years; all my real estate, situate, lying and being in the township of York to be sold by public auction at my death, the proceeds thereof to form part of my personal estate; all the rents,

rents, issues and profits arising from my real and personal estate after the payment to my wife as aforesaid to form part of my personal estate; and after the death or marriage of my said wife to pay the rents, issues and profits arising from my personal estate semi-annually to the said Mary Ann Close and Isabella Watt Andrews during the period of their natural lives in equal portions and in case of the death of either of them, then the share of the one so dying shall be applied in the support of her child or children, if any, and if not, then to her heirs and after the death of both of them then one-half the said personal estate shall be paid to the children of the said Mary Ann Close, and if no child or children, then to her heirs and the other half to the child or children of the said Jane Watt Andrews, each child to be paid his or her share upon his, her or their attaining the age of twenty-five years respectively; I appoint my wife and Joseph Gibson, of the village of Yorkville aforesaid, grocer, and Thomas Ford of the city of Toronto aforesaid, cordwainer, to be executors and executrix and trustees of my will, but if my wife should marry again, she shall thereupon cease to be an executrix and trustee of my will which shall thenceforth take effect and be executed in like manner as if the said Joseph Gibson and Thomas Ford had been originally appointed the sole trustees and executors. Dated this eighteenth day of May, A.D. 1871.

(Signed), JOHN LYONS.

Signed by the said testator as his last will and testament in the presence of us present, at the same time, who, at his request, in his presence and in the presence of each other, have subscribed our names as witnesses.

(Signed), SAMUEL WICKSON, of the city of Toronto, solicitor.

(Signed), ALEX. BROWN, of the city of Toronto, baker.

And that the said testator died on or about the twenty-sixth day of May, 1871; and that probate of the said will was duly granted by the surrogate court of the county of York, on the eighth day of June, 1871, to the said Mary Ann Lyons, widow of the said John Lyons, since deceased, and the said petitioners Joseph Gibson and Thomas Ford; and that the said Mary Ann Close named in the said will, intermarried with one John C. Keighley of the said city of Toronto, accountant, who died on the third day of February, A.D. 1885, leaving him surviving the said Mary Ann Close or Keighley, his widow, and three children, Mary Walker Keighley, Maggie Robbins Keighley and Sarah Louise Keighley; and that the said Mary Ann Close or Keighley died on or about the seventh day of December, A.D. 1893, intestate and without having contracted any second marriage; and that the said children are now aged respectively twenty-one, eighteen and fifteen years, and that letters of guardianship of the two younger children Maggie Robbins Keighley and Sarah Louise Keighley issued out of the surrogate court of the county of York, on the twelfth day of March, A.D.

A.D. 1895, to William Walker Keighley, of Toronto aforesaid, merchant; and that the real estate mentioned in the said will as being in the city of Toronto and still remaining unsold in the hands of the said executors is composed of the following parcels of land, namely: Firstly, that parcel or tract of land in the said city of Toronto composed of part of the rear part of park lot number nine, described as follows: Commencing at the northeast angle of said park lot number nine, being the intersection of the southerly limit of Bloor street with the westerly limit of Yonge street, then southerly along the westerly limit of Yonge street sixty-six feet, then westerly parallel to Bloor street one hundred and twenty feet, then northerly parallel to Yonge street, sixty-six feet, more or less, to the southerly limit of Bloor street, then easterly along the southerly limit of Bloor street, one hundred and twenty feet to the place of beginning; and secondly, that certain parcel or tract of land, situate in the said city of Toronto, containing seven thousand eight hundred square feet, more or less, composed of part of park lot number eight in the first concession from the bay, described as follows: Commencing at a point on the east side of Yonge street at the distance of ninety-five chains and forty-seven and twenty-eight thirty-third links on a course north sixteen degrees west from the southwest angle of the said park lot, then north sixteen degrees west sixty feet, then north seventyfour degrees east one hundred and thirty feet, thence south sixteen degrees east sixty feet, then south seventyfour degrees west one hundred and thirty feet to the place of beginning; and that the said firstly described parcel has become very valuable for buildings of a better class than the buildings at present on the property; and that upon the northerly thirty-seven feet of the said parcel firstly described, there is erected a rough-cast building, used for shops erected in the lifetime of the testator, and which has become old and has unavoidably deteriorated in value; and that the southerly twenty-nine feet of the said parcel firstly described is at present subject to lease, which will expire on the first of October, A.D. 1895, when, under the terms of the said lease, the lessee will have the right to remove the buildings at present on the property which do not belong to the estate; and that the ground rent at present payable in respect of this portion of the property is one hundred and five dollars per annum, and the said land is in danger of becoming unproductive and a charge on the estate if the trustees are unable to execute a proper building lease or leases of the same; and that the total income of the estate upon which the said children altogether depend for their support has been less than seven hundred and fifty dollars per annum, which said sum can be materially increased if the trustees were permitted to execute renewable building leases of the said lands; and that the trustees have had applications for building leases of the said lands and have accepted the offer of "The William Davies Company (Limited)," for the leasing of the north-

only

erly thirty-seven feet of the said firstly described parcel, subject to authority being conferred on them by the Legislative Assembly, and have entered into the agreement set out in schedule A hereto; and the trustees have therefore, with the consent and concurrence of the said children, and at the request and with the consent and concurrence of the said William Walker Keighley, the guardian of the said two younger children, by their petition prayed for the enactments herein-after contained; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees and
executors
empowered
to make leases.

1. The said Joseph Gibson and Thomas Ford, as such executors and trustees aforesaid, or the survivor of them, and the person or persons or corporation from time to time legally administering the estate of the said John Lyons, or being trustee or trustees of the said estate, are hereby enabled and empowered, with the consent in writing of the guardian for the time being of the said infants, and with the consent in writing of such of the said infants as are at the time of making of any particular lease, of the full age of twenty-one years to give and grant good and valid leases of the said lands herein described, or any part thereof, for such terms of years, with such rights of renewal as they may see fit, reserving such rents as to them may seem right, and also such rights of re-entry and such other rights as to them may seem right, and to enter into any stipulations as to them may seem right as to the rights of renewal or purchase of the buildings by the persons entitled under the said will to the said property, and for settlement of the valuations of the buildings and improvements to be erected on said lands by arbitration, and all other stipulations usually contained in building leases.

Leases confirmed.

2. The said leases and all stipulations therein contained shall be binding upon all persons now or hereafter claiming any interest in the said lands or any part thereof, under the will of the said John Lyons, in the same way as if each and all of them had been capable of contracting and had contracted as in the said lease or leases may be set forth.

Schedule A confirmed.

3. The said executors are hereby authorized and empowered to execute the lease referred to in the agreement attached as schedule A hereto, and the said lease shall thereupon be valid and binding as if executed in pursuance of this Act.

Powers not to
be exercised
after infants'
majority
without their
consent.

4. The powers hereby conferred are not to be exercised after the said infant children of the said Mary Ann Close or Keighley have attained the age of twenty-five years, except in so far as may be requisite to carry out engagements made under leases executed before that time.

SCHEDULE

SCHEDULE A.

Memorandum of agreement made in triplicate the sixth day of December, A.D. 1894, between Joseph Gibson of the township of York, in the county of York, gentleman, and Thomas Ford, of the city of Toronto, in the said county of York, gentleman, surviving trustees and executors of the estate of John Lyons, deceased, hereinafter called the trustees, of the first part, and "The William Davies Company (Limited)," hereinafter called the Company, of the second part.

Whereas John Lyons, of the city of Toronto, in the county of York, deceased, died on or about the twenty-sixth day of May, 1871, having first made his last will and testament, whereby he appointed Mary Ann Lyons, his widow, since deceased, and the trustees above named to be the trustees and executors of his said will, who proved the same in the surrogate office of the county of York, being the proper office in that behalf;

And whereas, as appears by an Act of the Legislative Assembly of the Province of Ontario, chaptered 99, of the Acts passed in the 48th year of Her Majesty's reign, wherein the said will is fully recited, the said John Lyons was seized at the time of his death of certain lands and premises at the southwest corner of Bloor and Yonge streets in the said city of Toronto;

And whereas the trustees have by a certain Indenture of and Lsdated the sixth day of December, 1894, in the words and figures following:

This indenture made (in quadruplicate) the sixth day of December, A.D. 1894, in pursuance of *The Act Respecting Short Forms of Leases*, between Joseph Gibson and Thomas Ford, surviving trustees and executors of the estate of John Lyons, deceased, hereinafter called "the lessors" of the first part, and "The William Davies Company of Toronto (Limited)" hereinafter called "the lessees," of the second part.

Witnesseth that in consideration of the rents, covenants and agreements hereinafter reserved and contained, to be paid, observed and performed by the said lessees, their successors and assigns, the said lessors have demised and leased and by these presents do demise and lease unto the said lessees all that certain parcel or tract of land and premises situate, lying and being in the city of Toronto, in the county of York known as street numbers 790, 792 and 794 Yonge street, including stores, dwellings and stables erected thereon and which may be more particularly described as follows:

All and singular that certain parcel or tract of land and premises, being part of park lot number 9 in the first concession from the bay, in the city of Toronto, which may be better known and described as follows: Commencing at the intersection of the southerly limit of Bloor street with the westerly limit of Yonge street; thence southerly along the westerly limit of Yonge street, thirty-seven feet, more or less, to the northerly face of a brick wall, being the northerly wall of the premises

premises immediately south of those herein described; thence westerly along the northerly face of the said wall and along the line of the same produced westerly, in all one hundred and twenty feet, more or less, to the easterly limit of a lane; thence northerly parallel to Yonge street, along the easterly limit of said lane thirty-seven feet, more or less, to the southerly limit of Bloor street; thence easterly along the southerly limit of Bloor street one hundred and twenty feet, more or less, to the point of commencement.

Together with a right of way over the lane in the rear of the said land to the lessees or their assigns, servants, workmen or agents for ingress, egress and regress for themselves, their servants, workmen and agents and any horses, carriages, drays or wagons they may desire to use the same.

Together with the appurtenances.

To have and to hold the said parcel or tract of land and premises hereby demised with the appurtenances unto the said lessees, their successors and assigns, for and during the term of ten years, to be computed from the first day of January, 1895, and from thenceforth next ensuing and fully to be complete and ended.

Yielding and paying therefor yearly and every year during the said term of ten years unto the said lessors the clear yearly rent or sum of seven hundred and forty dollars in four equal quarterly payments of one hundred and eighty-five dollars each, to be made on the first days of April, July, October and January in each and every year during the said term without any deduction, defalcation or abatement therefrom, first payment to become due and to be made on the first day of April, 1895.

The said lessees covenant with the said lessors to pay rent. And to pay taxes, local improvement rates and water rates. And to keep the said premises in as good repair as they are now in. And that the said lessors may enter and view state of repair. And will not assign or sublet without leave, provided that such leave shall not be arbitrarily or unreasonably withheld.

And the said lessees further covenant with the said lessors that they will insure and keep insured the said demised premises from loss or damage by fire in the joint names of the lessors and the lessees in the sum of fifteen hundred dollars and will pay all premiums and sums of money necessary for that purpose, and will whenever required produce to the lessors the policy of such insurance and the receipt for every such payment and will cause all moneys received by virtue of such insurance to be forthwith laid out in rebuilding and reinstating the said premises.

Provided always and it is hereby especially agreed by and between the said lessors and lessees that the said lessees may at any time after receiving possession of the demised premises and provided this lease has not expired, partially or entirely pull down, remove and rebuild, repair, alter and improve the
buildings

buildings at present on the property; and the said lessees may at any time during the currency of these presents build new buildings upon the said land, or any part of a new building or buildings on said land, and if the lessees deem it necessary they may build any wall or walls of any reasonable height running along the southerly limit of the demised premises from the westerly limit of Yonge street to the lane hereinbefore mentioned or on any other part of the land hereby demised without any let, hindrance or interruption of anyone whatsoever; but the lessees shall leave on the premises, buildings of at least the value of the buildings at present there, and nothing herein contained shall be construed to alter, annul or in any way prejudice or affect the covenant of the lessees to leave the demised premises in as good repair as they now are in.

The said lessees may at any time within two calendar months after the end or other termination of this lease, take, remove and carry away from the premises hereby demised all fixtures, fittings, plant, machinery, utensils, safes, shelving, counters, upon or under the said premises, or anything in the nature of trade or tenant's fixtures or other movable things of the lessees; but the said lessees shall pay rent proportionately for such overtime and this provision as to payment of rent shall not extend to the assigns of the lessees.

Provided and it is further agreed and declared that if the terms hereby granted shall at any time be seized or taken in execution or in attachment by any creditor of the said lessees, or if the said lessees shall make any assignment for the benefit of creditors, or becoming bankrupt or insolvent shall take the benefit of any Act that may be in force for bankrupt or insolvent debtors, or if an order shall be made for the winding up of the said Company the then current quarter's rent shall immediately become due and payable and the said term shall immediately become forfeited and void

Proviso for re-entry by the said lessors on non-payment of rent or on non-performance of covenants.

And the said lessors covenant with the said lessees for quiet enjoyment subject to the existing tenancies without any interruption or disturbance from the lessors, their executors or assigns, or any other persons lawfully claiming by, from or under them, or any other person or persons whomsoever; but it is expressly understood and agreed between the parties hereto that the lessees shall at their own costs and charges take all steps necessary to be taken to obtain possession of the demised premises from the present tenants and assume all the responsibility of procuring the cancellation or surrender of the existing leases or of making satisfactory arrangements with the present tenants; and whereas the lessees have agreed to pay the sum of \$500 as a consideration to the present tenant, Honeysett, to obtain the cancellation or surrender of his lease, the lessors agree to assume payment of \$300 of this amount, \$150 to be retained by the lessees out of the first year's rent and \$150 out of the second year's rent, quarterly.

Provided always and it is hereby agreed by and between the said lessors and lessees that wherever the words lessors and lessees or any words referring to the lessors or lessees occur in these presents the same shall be read as made on behalf of and as extending to and including the heirs, executors and administrators of the lessors and the successors and assigns of the lessees, except where otherwise specially provided.

In witness whereof the said lessors have hereunto set their hands and seals and the said lessees have hereunto set their corporate seal attested by the hand of the managing director.

Signed, sealed and delivered	}	(Signed) J. W. FLAVELLE.
in the presence of		
(Signed) CHAS. PEARSON.		
		[Seal.]

Demised and leased a portion of the lands mentioned in the said chapter 99 of the Acts passed in the 48th year of Her Majesty's reign by the Legislative Assembly of the Province of Ontario to the said Company :

And whereas the Company is desirous of obtaining a lease for a term of twenty-one years from the first day of January, 1895, with the privilege of obtaining perpetual renewals for further terms of twenty-one years, on the provisos and conditions hereinafter set forth, and have offered to pay an increased rental for the last eleven years of the said term of twenty-one years so to be granted from the first day of January, 1895, the rental of future terms under said renewable lease to be fixed as hereinafter mentioned, which said offer the trustees are willing to accept if they can obtain power from the Legislative Assembly of the Province of Ontario to enable them so to lease the said trust estate :

Now this agreement witnesseth as follows :

1. The trustees agree to apply at the next or next subsequent session of the Legislative Assembly of the Province of Ontario for an Act enabling them to carry out this agreement, but in the event of such power being refused by the Legislative Assembly then this agreement shall be void and of no effect. All the ensuing clauses of this agreement shall be construed as subject to this clause.

2. In the event of such power being granted as aforesaid by the said Legislative Assembly, the said trustees agree to lease and the said Company agrees to take the lands and premises in the said lease hereinbefore recited under a lease to be made in pursuance of the Act respecting short forms of leases and of which the particulars shall be as follows :

To have and to hold the said premises hereinbefore mentioned with the appurtenances unto the said lessees for and during the term of twenty-one years to be computed from the first day of January, 1895, and renewable as hereinafter mentioned.

Yielding and paying therefor yearly and every year during the first ten years of the said term unto the said lessors
the

the clear yearly rent or sum of seven hundred and forty dollars (\$740.00) in four equal quarterly payments of \$185.00 each, to be made on the first days of April, July, October and January, in each and every year during the said term without any deduction, defalcation or abatement therefrom, first payment to become due and to be made on the first day of April, 1895.

And yielding and paying therefor yearly and every year during the last eleven years of said term unto the said lessors the clear yearly rent or sum of nine hundred and twenty-five dollars (\$925.00) per annum in four equal quarterly payments of \$231.25 each on the first days of April, July, October and January in each and every year during the said term without any deduction, defalcation or abatement therefrom, first payment to become due and to be made on the first day of April, 1905.

The said lessees covenant with the said lessors to pay rent. And to pay taxes, local improvement rates and water rates. And to repair. And that the said lessors may enter and view state of repair, and will not assign or sublet without leave, provided that such leave shall not be arbitrarily or unreasonably withheld.

And the said lessees further covenant with the said lessors that they will insure and keep insured the said demised premises from loss or damage by fire in the joint names of the lessors and the lessees in the sum of fifteen hundred dollars (\$1,500.00), and will pay all premiums and sums of money necessary for that purpose, and will, whenever required, produce to the lessors the policy of such insurance and the receipt for every such payment, and will cause all moneys received by virtue of such insurance to be forthwith laid out in rebuilding and reinstating the said premises.

Provided always and it is hereby especially agreed by and between the said lessors and lessees that the said lessees may at any time after receiving possession of the demised premises and provided this lease has not expired, partially, or entirely pull down, remove and rebuild, repair, alter and improve the buildings at present on the property. And the said lessees may at any time during the currency of these presents erect new buildings upon the said land or any part of a new building or buildings on said land and if the lessees deem it necessary they may build any wall or walls of any reasonable height running along the southerly limit of the demised premises from the westerly limit of Yonge street to the lane hereinbefore mentioned or on any other part of the land hereby demised without any let, hindrance or interruption of anyone whatsoever; and nothing herein contained shall be construed to alter, annul or in any way prejudice or affect the covenant of the lessees to leave the demised premises in good repair.

The said lessees may at any time within two calendar months after the end or other termination of this lease, take,
remove

remove and carry away from the premises hereby demised all fixtures, fittings, plant, machinery, utensils, safes, shelving, counters, upon or under the said premises, or anything in the nature of trade or tenant's fixtures or other movable things of the lessees; but the said lessees shall pay rent proportionately for such overtime and this provision as to payment of rent shall not extend to the assigns of the lessees.

Provisos for re-entry by the said lessors on non-payment of rent or non-performance of covenants.

And the said lessors covenant with the said lessees for quiet enjoyment without any interruption or disturbance from the lessors or any other person lawfully claiming by, from or under them, or any other person or persons whomsoever.

The said lessees or the occupant or occupants, tenant or tenants of the said demised premises from time to time shall not nor will at any time during the said term permit any occupancy of the buildings now or hereafter erected on the said lands or any part of the same which shall in any way be deemed a nuisance or which shall be contrary to the provisions of any local or municipal by-law, or carry on or permit or suffer to be carried on within such buildings any trade or business which shall in any way be deemed a nuisance or which shall be contrary to the provisions of any local or municipal by-law.

The said company agreed to do, erect, continue and maintain or cause to be done, erected, continued and maintained improvements or buildings on the premises of the value of fifteen hundred dollars (\$1,500) at least, and the said company further agrees that in the case of the destruction of the buildings on the property, to erect, continue and maintain or cause to be erected, continued and maintained, and from time to time if destroyed, replace buildings and improvements on the property of the value of five thousand dollars (\$5,000) at least and if the said company shall not do, erect, continue and maintain or cause to be done, erected, continued and maintained said improvements and buildings, then it shall be lawful for the said trustees, their successors and assigns or agents if they think fit to re-enter on the said piece of ground and resume possession thereof as of their former estate.

Provided always and it is hereby agreed by and between the said lessors and lessees that immediately on the expiration of the said term of twenty-one years and of each successive future term of twenty-one years (the lessees not then being in default under any covenant herein contained, and no notice of exercising the option to terminate the tenancy as hereinafter provided, having been given as hereinafter provided,) they, the said lessors, will on payment by the lessees of the drafting and engrossment of such lease, grant another lease of the said hereby demised premises with the appurtenances, containing the like covenants, conditions, provisos and agreements as are in this lease contained and expressed (including this covenant for renewal), except as to the amount of rent; the amount of such
rent

rent to be such as the parties may agree upon, or in default of agreement as may be determined and declared by two arbitrators to be named and appointed, one of them by the said lessors, the other by the said lessees, with power to them, the said arbitrators, to name and call in the third if they cannot agree. In case one party nominates an arbitrator and gives notice thereof in writing to the other, and in case such other does not within two weeks after the giving of such notice nominate an arbitrator, the party which gave such notice may, upon notice to the other party, apply to a judge of a superior court of record to nominate an arbitrator for the party in default, and such judge is hereby empowered to do so. In case the two arbitrators do not within two weeks after their nomination nominate the third, either party may, upon notice to the other, apply to such judge to nominate such third arbitrator, and such judge is hereby empowered to do so. In case an arbitrator after being nominated dies or refuses or becomes unable to act, the party or arbitrators who nominated him shall nominate an arbitrator in his stead within two weeks after such death, refusal or inability, and in default thereof either party may, on notice to the other, apply to such judge to nominate such arbitrator, and such judge is hereby empowered to do so. In case an arbitrator nominated by such judge dies or refuses or becomes unable to act, either party may, on notice to the other, apply to such judge to nominate an arbitrator in his stead, and such judge is hereby empowered to do so. Upon such valuation and appraisement the amount of such rent shall be calculated as ground rent for the parcel of land demised, and the value of any buildings, tenements, houses or erections thereon beyond the sum of \$1,500, being the value of the buildings existing on the premises at the date of this demise, is not to be considered in any wise in making the said appraisement or award.

Provided always and it is hereby specially agreed by and between the lessors and lessees, notwithstanding anything in these presents elsewhere provided, that it shall be optional with the lessors to decline to make, and for the lessees to decline to take any such renewal for a second or any successive future term of twenty-one years; but in order to exercise the option to decline renewal it shall be necessary for the parties intending to exercise the option to give to the other parties, or leave at their last known place of abode, a notice in writing of such intention at least three calendar months before the expiration of the said term of twenty-one years hereby granted, or of any successive future term to be granted as hereby provided; and in case of the exercise of such option it is hereby expressly covenanted, declared and agreed by and between the parties hereto and their respective representatives that all the buildings, houses and erections placed, erected and being on said premises at the expiration of any such term of twenty-one years, (and which exceed in value the sum of \$1,500,) shall be duly valued and appraised

appraised by arbitrators named and appointed on behalf of each party as above particularly mentioned, with power to them to name, refer to and call in a third person should they not agree as above mentioned, such valuation, appraisement or award shall fix the value under the conditions aforesaid.

And the said lessors covenant, promise and agree to and with the said lessees that they or some one of them will pay to the said lessees the full sum of money so to be fixed by said appraisers as the value and every compensation for said houses, buildings and erections on the said hereby demised premises, (which exceed the said sum of \$1,500,) then standing and being within one calendar month after such valuation ascertained and declared as aforesaid, the renewal for a future term having been duly declined to be made by the said lessors or duly refused to be accepted by the said lessees

And it is hereby declared to be the true intention and meaning of these presents and as hereby expressed and agreed upon by and between the parties hereto, that at the end of the hereby granted term of twenty-one years and also at the end of any further renewed term of twenty-one years so to be granted as aforesaid, the said lessors shall grant a renewed term or lease of twenty-one years of the said hereby demised premises and so on for ever, ascertaining the amount of rent to be paid during the said renewed term by appraisement or arbitration as hereinbefore provided, and always estimating the amount of rent as ground rent and exclusive and independent of all buildings and improvements thereon erected, (except to the extent of \$1,500 as aforesaid) then put, placed and being, until the said lessors elect to determine these presents or the said lessees decline to accept any renewal thereof, and of such intention notice shall be given as aforesaid, in which event the lessors shall pay within the term above limited at the expiration of any such term for all such buildings, erections and improvements as may be put, placed, erected and then being thereon, (exceeding the said sum of \$1,500 hereinbefore mentioned,) at the appraised value to be ascertained and estimated by arbitrators in the manner hereinbefore provided.

The award or valuation of the three arbitrators or any two of them shall be final and binding, and such award or valuation shall be made in writing and published to the parties within twenty days after the end of the term hereby granted, but the arbitrators or a majority of them or the judge hereinbefore mentioned may, after notice to the parties, enlarge the time for making such award, and for the further and better enforcement of such award or valuation the submission herein contained may be made the rule of any superior court of original jurisdiction.

One half of the costs and charges of and incidental to any valuation or arbitration under the terms hereof, save fees to solicitors and counsel, shall be borne by the lessors and the other half by the lessees.

Provided

Provided always and it is also hereby agreed by and between the said lessors and lessees that wherever the words "lessors" and "lessees" or any word referring to lessors or lessees occur in these presents, the same shall be read as made on the behalf of and as extending to and including the successors and assigns of the lessees, and the heirs, executors, administrators and assigns of the lessors as the case may be.

3. The said company will accept a lease of the said premises for the term at the rent and subject to the covenants and conditions hereinbefore expressed, and will execute the same in triplicate, and will pay one-half the lessors' costs of and incidental to the preparation and execution of the said agreement, and of the preparation, execution and registration of the said lease, and immediately upon the execution and delivery of the last mentioned lease in triplicate, the same shall take the place of the above firstly mentioned lease for the term of ten years, and the said firstly mentioned lease for the term of ten years shall thereupon be absolutely null and void and of no effect, except as to the clause providing for repayment of the sum of \$300 paid by the company as rent in advance to the executors on their behalf to Honeysett, which said clause is to remain in full force until the said sum of \$300.00 is repaid to the company by the executors.

In witness whereof the said lessors have hereunto set their hands and seals, and the said lessees have hereunto set their corporate seal attested by the hand of the managing director.

Signed sealed and delivered)
in the presence of)

(Sgd.) CHAS. PEARSON,

(Sgd.) J. D. SPENCE,

As to signatures

of JOSEPH GIBSON and
THOMAS FORD.

(Sgd.) THE WILLIAM DAVIES CO. (LTD.)

per J. W. FLAVELLE,

Managing Director.

[Seal.]

(Sgd.) JOSEPH GIBSON,

[Seal.]

(Sgd.) THOS. FORD,

[Seal.]

CHAPTER 125.

An Act to authorize the Trustees under the Marriage Settlement of Jane Prittie and Robert Woods Prittie to Mortgage the Trust Estate.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS Humphrey Lloyd Hime and James Pearson, trustees under the marriage settlement of Jane Prittie and Robert Woods Prittie, have by their petition set forth that under the said marriage settlement, dated the first day of June, A.D. 1880, and registered in the registry office for the city of Toronto, on the 28th day of June, 1880, as number 1392 S. E. and 5857 N. W. and in the registry office for the county of York, on the 29th day of June, 1880, as number 11679, John Downey and Warring Kennedy were appointed trustees; and that subsequently and on or about the first day of March, 1889, the said John Downey and Warring Kennedy with the consent and approval of the cestui que trust conveyed the trust estate to Humphrey Lloyd Hime and James Pearson who thereby became and are now the trustees under the said marriage settlement; and that the trust estate consists for the most part of dwelling houses in the city of Toronto, which, for want of repairs, alterations and improvements have not been kept rented and will rapidly depreciate in value unless such repairs, alterations and improvements are made, and that it would be in the interest of the said estate to build upon the land now vacant, and that the trustees have no money belonging to said estate with which to make such repairs, alterations and improvements, and that it is desirable in the interests of the said estate that the trustees for the time being be given the power to borrow money on the said estate by way of mortgage or other security with the written consent and approval hereinafter mentioned, so that the moneys so realized may be invested in the repairs, alterations and improvements aforesaid; and whereas the said Jane Prittie and Robert Woods Prittie have given their written consent to the trustees being invested with the said power; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In addition to the powers already vested in the said trustees in and by the said marriage settlement, the trustees for the time being, upon obtaining the written consent and approval of Robert Woods Prittie and Jane Prittie in her lifetime, and after his death the consent and approval of Jane Prittie, are hereby authorized and empowered to mortgage, hypothecate or pledge the real property now belonging to the said trust estate (or which may hereafter be acquired by the said trustees, under and in pursuance of the powers contained in the said settlement) or any part or parcel thereof, and may invest the moneys so borrowed in repairing, rebuilding, altering and improving any buildings or in erecting new buildings upon lands which now are or may hereafter become vacant belonging to the said trust estate.

Trustees empowered to mortgage trust estate.

2. No person lending money to the said trustees upon the security of any of the said property shall be under any obligation to ascertain that the moneys so borrowed are required for the purposes of said trust estate, nor shall such person be under any obligation to see to the application of the moneys so borrowed.

Lender not obliged to see to the application of the moneys borrowed.

CHAPTER 126.

An Act to enable Herbert Stanley Reynolds to practise Dentistry.

[Assented to 16th April, 1895.]

Preamble.

WHEREAS Herbert Stanley Reynolds of the town of Picton in the county of Prince Edward and Province of Ontario, has by his petition set forth that from the year 1867 to the year 1890 he was engaged almost constantly as a dentist's assistant in the said town of Picton and in other places since the year 1890, and has prayed that an Act may be passed to authorize him to practise dentistry in the Province of Ontario; and whereas, subject to the provisions hereinafter set forth, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

H. S. Reynolds authorized to practise dentistry.

1. It shall be lawful for the said Herbert Stanley Reynolds to practise dentistry in the county of Prince Edward, in the Province of Ontario, without any certificate of qualification, until the first day of April, 1897; and the Royal College of Dental Surgeons of Ontario shall admit the said Herbert Stanley Reynolds to practise as a licentiate of dental surgery upon passing the prescribed final examination, except on the subject of chemistry, to be held in the month of March, 1897, without attendance upon lectures, and upon paying the requisite fees in that behalf, any law, statute or usage to the contrary notwithstanding.

CHAPTER 127.

An Act to authorize George Duncan Van Arnam to Practise Dental Surgery.

[Assented to 16th April, 1895.]

WHEREAS George Duncan Van Arnam, has by his petition Preamble
 set forth, that he entered upon the study of dentistry within the Province of Ontario, in the office of a duly licensed practitioner in dentistry in the month of January A.D. 1868, for a term of five years which he duly completed, and that he has, since the completion of his student term of five years, been constantly engaged in an established office practice, in the practice of the profession of dentistry in the Province of Ontario, and that he was then and is now, a British subject; and whereas the said George Duncan Van Arnam has prayed that an Act may be passed to authorize him to practise dental surgery in Ontario; and whereas it is expedient upon the terms and conditions hereinafter contained to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the said George Duncan Van Arnam to practise dentistry in the counties of Dundas and Grenville, in the Province of Ontario, without any certificate of qualification until the 1st day of April, A.D. 1897; and the Royal College of Dental Surgeons of Ontario shall admit the said George Duncan Van Arnam to practise as a licentiate of Dental Surgery upon his passing the prescribed final examination, excepting therefrom the subject of chemistry, to be held in the month of March, A.D. 1897, and upon his paying the requisite fees in that behalf, and the said the Royal College of Dental Surgeons of Ontario shall not require the said George Duncan Van Arnam to attend lectures, but the said George Duncan Van Arnam may, at his option, attend the lectures in the School of Dentistry at Toronto during one session without payment of the fees therefor to the said the Royal College of Dental Surgeons, any law, statute or usage to the contrary notwithstanding.

G. D. Van Arnam authorized to practise dentistry, subject to certain conditions.

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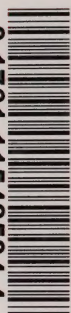
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